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ABSTRACT

The plan documents Minnesota's policies and procedures for implementing state and federal statutes concerning the education of handicapped students. The following topics are covered: right to education, full educational opportunities goal, policy on priorities, child identification, Individual Educational Programs, procedural safeguards, the least restrictive environment, protection in evaluation procedures, the comprehensive system of personnel development, participation and placement of students in private schools, recovery of funds for misclassified children, hearings on local education agency applications, annual evaluations, additional requirements of the state education agency (monitoring and complaint procedures, direct services, implementation procedures), and confidentiality of personally identifiable information. The plan concludes with a list of state education agency administrative personnel positions to be paid out of P.L. 94-142 Part B funds, major administrative responsibilities for each job title, and the percentage of salary paid by Part B funds. (CL)

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Minnesota's Special Education Plan for Fiscal Years 1984-86

AS AMENDED BY PUBLIC LAW 94-142

Minnesota Department of Education

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Minnesota's Special Education Plan for Fiscal Years 1984-86

The Minnesota State Plan for Special Education for FY84-86 has been completed to meet the requirements of P.L. 94-142, The Education of All Handicapped Children Act, as a grant application for Minnesota's federal entitlement funds under the Act. The Plan specifies Minnesota's statutes, rules, policies and procedures which insure that all handicapped children ages 4 - 21 have the right to a free appropriate public education. The document has been approved by the U. S. Education Department and the federal entitlement has subsequently been awarded.

Minnesota Department of Education

TABLE OF CONTENTS

PAGE

A. POLICIES, PROCEDURES AND DESCRIPTIONS

I. Right to Education Policy Statement 1
II. Full Educational Opportunities Goal . 3
III. Policy on Priorities 5
IV. Child Identification 7
V. Individual Educational Program . . . 11
VI. Procedural Safeguards 17
VII. Least Restrictive Environment 27
VIII. Protection in Evaluation Procedures . 31
IX. Comprehensive System of Personnel Development 35
X. Participation of Students Enrolled Private Schools 53
XI. Placement in Private Schools 57
XII. Recovery of Funds for Misclassified Children 59
XIII. Hearing on LEA Applications 61
XIV. Annual Evaluation 63
XV. Additional Requirements
A. Responsibility of SEA for all Educational Programs 65
B. Monitoring Procedures and Adoption of Complaint Procedures . . 67
C. Policies and Procedures for the Use of Part B Funds 73
D. Direct Service by the SEA 75
E. Implementation Procedures-SEA . . 77
XVI. Confidentiality of Personnally Identifiable Information 79

B. REPORTS OF HOW PART B FUNDS WILL BE USED

Description of Use of Part B Funds . . . 87

A. POLICIES, PROCEDURES AND DESCRIPTIONS

CHAPTER I RIGHT TO EDUCATION POLICY STATEMENT

All handicapped children in Minnesota have the right to a free appropriate public education. 5 MCAR s 1.0120 requires that all children and youth who are handicapped and who are eligible for special education services shall have access to a free appropriate public education, as that term is defined by applicable law, suited to each child's individual needs including the special education appropriate to his or her development. All school districts shall provide for such education suitable to students' individual needs regardless of the severity of the child's mental, physical or emotional disability, or other impairment or handicap. The responsibility of the school district is not diminished by the availability of nonpublic schools or other services which may be located within the district.

The SEA has developed interagency agreements with all public agencies in the state that provide education to handicapped children. These agencies are the Departments of Corrections, Health and Public Welfare. Each agreement states that the right to a free appropriate education policy applies to handicapped children served by those agencies and that the SEA has the authority to supervise the activities assigned to those agencies.

Handicapped children are defined in Minn. Stat. s 120.03, subd. 1, as every child who is deaf, hard-of-hearing, blind, partially seeing, crippled or who has defective speech or who is otherwise physically impaired in body or limb so that he needs special instruction and services, but who is educable, as determined by the standards of the state board. Handicapped children are further defined by Minn. Stat. s 120.03, subd. 2, as every child who is mentally retarded to such a degree that he needs special instruction and services, but who is educable as determined by the standards of the state board. Minn. Stat. s 120.03, subd. 3, adds that every child who by reason of an emotional disturbance or a learning disability, or a special behavior problem needs special instruction and services, but who is educable, as determined by the standards of the state board is a handicapped child. And Minn. Stat. s 120.03, subd. 4, states that every child who is mentally retarded to such a degree that he requires special training and services and who is trainable as defined by standards of the state board is a handicapped child.

No eligible handicapped child is denied service in Minnesota regardless of the severity of the handicap or the need for homebound instruction. Severely and profoundly handicapped students receive services based on Minn. Stat. s 120.03, subd. 4 and state guidelines which include services for the full

range of mentally handicapped students. In Minnesota students handicapped by a special behavior problem (Minn. Stat. s 120.03, subd. 3.) or emotional disturbance are Emotionally Behaviorally Disordered which corresponds to the Federal definition of Severely Emotionally Disturbed.

State statute s 120.03, subd. 5, states that students who have a short-term or temporary physical or emotional illness or disability and are in need of homebound services are not automatically considered to be handicapped. This does not diminish the LEAs responsibility to seek out students who are suspected of being handicapped and in need of special education services and providing assessment, due process procedures and an appropriate program to these students. All handicapped students requiring homebound services must have available to them a free appropriate public education.

LEA responsibility to provide a free appropriate education for all eligible handicapped children is further delineated in Minn. Stat. s 120.17, subd. 1, which states that every district shall provide special instruction and services, either within the district or in another district, for handicapped children of school age who are residents of the district and who are handicapped. School age means the ages of four years to 21 years for children who are handicapped but cannot extend beyond secondary school or its equivalent. Programs for handicapped students aged birth through three years old are permissive in Minnesota; however, if services are provided, the programs must meet all state and federal requirements.

Each LEA must assure the SEA that a free appropriate public education is available to all handicapped children who are residents of their district as part of the annual application for special education funds. The SEA monitors local education agencies and cooperatives to determine compliance with the provisions of P.L. 94-142 and Minnesota rules and regulations relating to free appropriate public education.

CHAPTER II FULL EDUCATIONAL OPPORTUNITIES GOAL

Minnesota has a goal of providing full educational opportunities to all handicapped children aged Birth through Twenty-one. Minnesota rule 5 MCAR s 1.0120 states the following policy regarding provision of full services: All children and youth who are handicapped and who are eligible for special education services must have access to a free appropriate public education suited to each child's individual needs including the special education appropriate to his or her development. All school districts shall provide for such education suitable to students' individual needs regardless of the severity of the child's mental, physical or emotional disability, or other impairment or handicap. The responsibility of the school district is not diminished by the availability of nonpublic schools or other services which may be located within the district.

LEA responsibility to provide a free appropriate education for all eligible handicapped children is further delineated in Minn. Stat. s 120.17, subd. 1, which states that every district shall provide special instruction and services, either within the district or in another district, for handicapped children of school age who are residents of the district and who are handicapped. School age means the ages of four years to 21 years for children who are handicapped but cannot extend beyond secondary school or its equivalent. Programs for handicapped students aged birth through three years old, are permissive in Minnesota; however, if services are provided, the programs must meet all state and federal requirements.

In addition, Minnesota Rule requires that each district must submit the district's plan for providing special education instruction and services for all handicapped pupils. The plan may represent the plan of a single district or a plan for all of the member districts of a formal special education cooperative. The plan must be considered as part of the annual school district application for program review, but will not be required to be resubmitted annually. The plan must include descriptions of: 1) the district's procedures for the identification and assessment of handicapped pupils, 2) the district's methods of providing the special instruction and services for the identified handicapped pupils, 3) the district's administration and management plan to assure effective and efficient results of 1 and 2 above, and 4) procedures to assure compliance with state statutes and rules relating to the education of handicapped pupils.

Difficulties in providing a full range of service options for handicapped students are increased in the sparsely populated areas of Minnesota. Minn. Stat. s 120.17, subd. 1, states that districts with less than the minimum number of eligible handicapped children must cooperate with other districts to maintain a full sequence of programs for the education, training and services for handicapped children. Special education cooperatives have been formed in these areas to provide for joint planning and provision of services particularly for handicapping conditions of low incidence.

CHAPTER III POLICY ON PRIORITIES

The requirement establishing priorities has been superceded by the requirement that as of September 1, 1980, all handicapped children in Minnesota have available to them a free appropriate public education.

CHAPTER IV CHILD IDENTIFICATION

Responsibility for the statewide coordination of planning and implementing the child identification effort lies with the SEA. In turn, the LEAs, the Department of Corrections and the Department of Public Welfare have the responsibility to develop and implement procedures to insure the identification, location and evaluation of all handicapped children who reside within their boundaries or are under their jurisdiction.

Identification and assessment procedures are specified in 5 MCAR s 1.0124 which states that school districts must develop systems for locating all children residing within their jurisdiction who may be handicapped. Those systems are designed to identify: a) preschool age handicapped children; b) handicapped persons attending school; and c) handicapped persons of school age who are not attending any school. The district's identification system must be developed in accordance with the requirement of nondiscrimination.

5 MCAR s 1.0124 requires that an assessment: a) must be conducted when, because of a student's performance in the present educational placement or a change in the handicapping conditions, the district wishes to determine the need for the initiation or change in the student's educational placement or program or special education services; b) must be conducted at least every three years; and c) may be conducted if the parent requests. Prior to conducting an assessment the district must: a) review the screening, referral or other data about the person and select licensed special education personnel and others as appropriate to conduct the assessment; b) include on the assessment team licensed special education personnel and others who may have the responsibility for implementing the educational program for the person; and c) conduct the educational assessment preferably at the school which the person attends. When the district determines that the assessment or a portion of the assessment cannot be performed utilizing the personnel resources of the district, the district must make arrangements elsewhere for that portion of the assessment and must assume all costs for such assessment and conduct the assessment within a reasonable period of time not to exceed 30 days from: (1) the date the district receives parental permission to conduct the assessment; or, (2) the expiration of the ten day parental response time in cases other than initial assessment, unless a conciliation conference or hearing is requested.

The assessment must reflect the person's current level of performance and must: a) be appropriate to the presenting problem and may include observation, evaluation, and testing of the person's intellectual, academic, verbal, emotional, adaptive behavior, sensory, physical, and social development; and, b) include a review of the person's learning environment and learning modes. When the team determines it to be necessary because of racial, cultural, or other differences presented by the person, or due to the nature of the student's presenting handicapping condition, they must make reasonable efforts to obtain information from the parents relating to the student's functioning in his or her total environment; c) be provided and administered in the person's primary language or mode of communication unless it clearly is not feasible to do so; and, d) be performed in accordance with recognized professional standards which include recognition or accommodation for persons whose differences or conditions cause standardized instruments to be invalid and otherwise in accordance with the requirements of nondiscrimination.

Notice before assessment must be provided prior to conducting a formal educational assessment or reassessment or when the district receives a parent's written request to conduct a formal educational assessment or reassessment. In cases where a district receives a parent's written request to conduct a formal assessment or reassessment, the district must serve notice of their decision within ten days of their receipt of the written request. Notice is not required for actions which are components of the district's identification system including large group screening, individual student observation within the regular classroom, informal inventories, and consultation between regular and special education personnel.

The SEA has the responsibility for statewide coordination of planning, setting minimum standards, providing technical assistance and monitoring the applicant agencies to assure compliance with state and federal laws and rules. The local districts and applicant agencies have the responsibility for implementation of child identification procedures.

Three general categories of identification activities exist: (1) census, (2) screening, and (3) public information and referral. A school district's identification system may include any or all of these methods. Identification activities may be ongoing, be undertaken at regular intervals, or be activities undertaken only once for a particular purpose.

Districts participate in the state-mandated Preschool Screening Program (PSS), which is administered by the Department of Education and coordinated with the Department of Health and Department of Public Welfare. This coordination is intended to integrate the efforts of early childhood programs in all three state agencies, particularly the three major child screening programs: Preschool Screening (PSS), Early and Periodic Screening (EPS) and Early and Periodic Screening, Diagnosis and Treatment (EPSDT). The PSS legislation and subsequent state rules require all school districts to offer the following screening services to all children at least once prior to entering Kindergarten: vision, hearing, developmental (including speech/language, cognitive, social-emotional and

fine/gross motor functions) and health history/immunization review. Optional screening components include: physical inspection, laboratory tests and nutrition assessment. The Department of Education continues to work with the Departments of Health and Public Welfare to maximize funding and human resources available to serve handicapped children.

The EPSDT program is funded by the Department of Public Welfare and provides funds for screening services for children from low income families receiving medical assistance. The EPSDT screening activities may be conducted by private physicians, Health Maintenance Organizations, County Nursing Services or Local education agencies. Service providers receive approximately $70/child to conduct the screening services. Approximately 4,000 children receive these services annually.

The Department of Health operates the EPS program through the local County Nursing Agencies. Services provided vary by county in terms of frequency and cost. Approximately 10,000 children per year participate in this program.

Results from the PSS evaluation revealed that 45,737 four year old children were screened during FY 1982, which was 87% of the projected Kindergarten enrollment for the next year. An analysis of the frequency of children referred for further assessment during FY 1982 indicated that more than half of the children screened were referred to various agencies including inpatient/outpatient hospitals, mental health centers, services to handicapped children, physicians, health maintenance organizations, dentists, public health clinics, public health nursing agencies, schools and/or other social services. Approximately 25% of the children referred for further assessment were referred to school staff during FY 1982.

The bulk of Minnesota Preschool Incentive Grant dollars is flowed through the state to the local districts and cooperatives that have submitted a Preschool Incentive Grant plan that addresses the current needs and plans for services for three to five year old handicapped children including identification efforts. The remainder of the money is used to assist in the provision of training early special education teachers in areas needed for them to secure the new license in Early Childhood: Special Education, including training in child identification.

The SEA has secured agreements with the Department of Corrections and the Department of Public Welfare enlisting their assistance in locating unidentified handicapped under their jurisdictions. The Departments of Health, Education and Public Welfare have established an agreement and are implementing a plan for coordination of services for handicapped birth to three year olds, including child identification.

The SEA's efforts in the area of child identification and assessment have included providing training through special study institutes, workshops, and inservice sessions for school board members, superintendents and principals, directors of special education, teachers, parents and parent advocates. Materials, guidelines and technical assistance are provided.

Information, including brochures, manuals and slide-tape presentations, is disseminated to parents, educators, professionals in related fields and public and private service providers. During 1981 and 1982, extensive work has been done by SEA staff to clarify and interpret Minnesota's special education rules.

The SEA staff evaluates each local school district's identification and assessment procedures through a review of the Total Special Education System (T.S.E.S.) document and accompanying school district forms which are used to verify the child identification process. The SEA Office of Monitoring reviews local programs on-site to determine compliance with P.L. 94-142 and state statutes and rules relating to the identification, location and evaluation of handicapped children. The expected outcome is that Minnesota will identify and serve all handicapped students while steadily moving toward meeting the full service goal.

The average unduplicated child count in FY 1982 indicated that Minnesota identified and served 77,247 students. The State of Minnesota will expend approximately $300 million state and local dollars and approximately $60 million in federal funds in FY's '84-'86. These expenditures will continue to support the components of the child study systems, including child identification.

The SEA determines which children are currently receiving special education and related services by utilizing the data collected in the federally mandated unduplicated child count. This information is collected by age and disability. Computer programs have been written to produce local, regional and state profiles of percentages of children served by disability and age. These reports assist the SEA in determining where significant service discrepancies may exist. Each local agency must also annually complete the Nonpublic School Statement of Involvement (Form ED-01357-01 in Supporting Documentation). One copy of this form must be submitted to the SEA for each non-public school located within the school district's boundaries.

The method used to determine which children are or are not receiving special education and related services is based on comparison of data from personnel summary forms, numbers of students identified, evaluated and served by age, disability, placement and region and accepted levels of incidence. Statewide implementation and the effectiveness of the identification and evaluation procedures will be additionally reviewed through the SEA's monitoring and complaint review system.

CHAPTER V INDIVIDUAL EDUCATIONAL PROGRAM

Minnesota Rule specifies that all children who are handicapped must be afforded special education services based on an individual educational plan. Minnesota Statute states that the district of residence is responsible for all eligible handicapped persons regardless of the method or location of instruction utilized. According to 5 MCAR s 1.0120 the responsibility of the school district is not diminished by the availability of nonpublic schools or other services which may be located within the district.

5 MCAR s 1.0125 establishes the requirements for team determination and program needs determination regarding development and content of the individual education program plan. Following the assessment, in order to determine if the person is in need of special education services, the district must designate a team of persons responsible for determining the educational needs of the student which, at a minimum, must include a school administrator or designee, the student's regular classroom teacher, appropriate special education personnel, other support personnel, the parent, and when appropriate, the student. The district must organize the assessment data and other relevant information and reports, including information supplied by the parents, review that data and determine the student's educational needs. The district must interpret the data consistent with the requirement of nondiscrimination. Upon the request of the parent, the district must determine whether it is appropriate to involve additional staff or other persons in the team including someone who is a member of the same minority or cultural background or who is knowledgeable concerning the racial, culturl, or handicapping differences of the student. The district must schedule the student staffing at a time and place that is mutually acceptable to the school and parents; and, except in cases of proposed initial assessments, the district must proceed if the parents do not respond to the request to participate.

The program plan must be prepared, in writing, by the providing district for each person in need of special education services. When the providing district is not the resident district, a copy of the program plan must be sent to the resident district. It must be developed in accordance with the requirement of nondiscrimination, the principle of the least restrictive alternative, and recognized professional standards. It must be based on the assessment data and other relevant reports and information; and it must be prepared, in writing, by the resident district when contracting for special education services from a public, private or voluntary agency.

The program plan must be based on the assessment data and other information and be consistent with the requirement of nondiscrimination and the principle of the least restrictive alternative and must include: a description of the special education service needs of the student as determined by the staffing team and the names of the persons on the team; a statement of annual goals and periodic review objectives for the special education services including the criteria for attainment; the plan for, location of, and frequency of the periodic review of the progress in reaching the prescribed educational goals and objectives; the reasons for the type of education placement and program including type of special education services to be provided, the location, amount of time, starting date, anticipated special education service duration, names and school telephone numbers of those personnel responsible for providing the special education services; and in accordance with the principle of the least restrictive environment, substantiation of why the proposed action is the most appropriate in terms of the person's educational needs. The IEP must also include the changes in staffing, transportation, facilities, curriculum, methods, materials, and equipment and other educational services that will be made to permit successful accommodation and education of the student in the least restrictive alternative. A description of the educational activities in which the student will participate in environments which include nonhandicapped students must be included in the plan when the student's primary placement will be in a special education program.

At the request of the parent, the district must schedule an individual conference with a knowledgeable school employee for the purpose of receiving interpretations of the assessment or reassessment data or procedures or for the purpose of explaining the individual educational plan or its development.

Notice to parents, in accordance with the provisions of 5 MCAR s 1.0127, must be provided after completion of the program plan and prior to placement. It is also required whenever the providing school district proposes to initiate or change or refuses to initiate or change the level of educational placement, or proposes to initiate or significantly change or refuses to initiate or significantly change the special education services for the child. The notice must be served prior to the initiation or change or refusal to initiate or change the educational placement or special education services for the child. The notice must be served within ten days after completion of the program plan and/or the refusal to initiate or change.

5 MCAR s 1.0127 C. stipulates the requirements for the portion of the general notice to parents which is specific to the educational placement and provision of services. The notice must include a copy of the individual education plan; inform the parents that the school district will not proceed with the initial placement and provision of service(s) without prior written consent of the parent; and inform the parents that, except for the initial placement and provision of service(s), the district will proceed with the proposed placement and provision of service(s) unless the parent objects in writing on the enclosed response form or otherwise in writing within ten days after the receipt of the notice. (The general notice provisions are included in Chapter VI - Procedural Safeguards.)

5 MCAR s 1.0126 defines procedures for periodic review, reassessment and follow-up. The providing school district must conduct periodic reviews of the program plan and must determine the degree to which the periodic review objectives as identified in the educational program plan are being achieved, the appropriateness of the educational program plan as it relates to the student's current needs, and what modifications, if any, need to be made in the program plan. The initial review must be made at the time specified in the program plan, but at least once a year following placement. The periodic review must be made by those persons directly responsible for implementing the educational program and by other school district agents as may be needed to insure an informed and adequate review. The results of the periodic review must be included in the student's school records and a copy sent to the parent and to the resident district if different from the providing district. This copy must inform the parents or the resident district that they may request a conference to review the student's program plan at any time and the procedure to do so. The review must be made in accordance with the requirements for nondiscrimination and recognized professional standards.

When a student is continued in his or her placement in a special education program, the providing district must conduct a formal educational reassessment at least once every three years.

The responsible school district must conduct a follow-up review of the student's current performance no later than twelve calendar months after special education services are discontinued to determine if progress is satisfactory.

The SEA monitors local education agencies and cooperatives to determine compliance with the provisions of P.L. 94-142 and Minnesota statutes and rules relating to each public agency's responsibility to establish, implement, review, revise and maintain records of IEP's for handicapped students. The state insures that IEP's are developed for each handicapped child including children referred to a private school or facility by a public agency and those students enrolled in a parochial or other private school, who receive special education or related services paid for or provided by the public agency.

The public agency insures that IEP's are in effect at the beginning of each school year; that an IEP is in effect before special education and related services are provided to a child, and is implemented as soon as possible following the IEP meetings. Each public agency initiates and conducts team meetings for the purpose of developing, reviewing and revising a handicapped student's IEP in accordance with the requirements of nondiscrimination and recognized professional standards.

The assessment must be completed and a team meeting held with all required participants within: (1) thirty (30) school days of a parent's written consent for assessment being received by a school district; or (2) the expiration of the ten (10) day parental response time in cases other than initial assessment, unless a conciliation conference or hearing is requested. The team meeting is held for the purpose of making a determination of whether or not the student is handicapped and in need of special education instruction and related services. If the student is determined to be handicapped and in need of special education services the meeting is usually continued and the development of the student's IEP is begun. In most instances, the IEP is written at this team meeting. If the IEP is not completed at the meeting for determination of eligibility, then according to the federal rule the IEP must be written within thirty (30) calendar days of the determination of eligibility of service.

A periodic review is held at least once a year that includes the people directly responsible for implementing the IEP and others needed to insure an informed and adequate review, to determine the degree to which the objectives are being achieved, the current appropriateness of the plan as it relates to the student's current needs, and what modifications, if any, need be made in the program plan. The public agency assures that one or both of the parents of a handicapped student are present at each team meeting or are afforded the opportunity to participate, including: a) Notifying the parents in writing of the meeting early enough to insure that they will have an opportunity to attend; b) Scheduling the meeting at a mutually agreed on time and place; and c) If neither parent can attend, the public agency uses other methods to insure parent participation including individual or conference telephone calls. The results of the periodic review remain on file and a copy is sent to the parents and resident district, informing them of their right to a conference at their request.

The LEA conducts a team meeting, at least annually, to review each child's IEP and revise its provisions, if appropriate. The meeting includes all participants required in 300a.344. The periodic review required in 5 MCAR s 1.0126 may count as the "annual" review only if a team meeting is held that includes all required participants.

Each team meeting includes the following participants: a) A school administrator or designee, other than the student's teacher, who is qualified to provide or supervise the provision of special education; b) One or both of the student's parents, subject to 300a.345; c) The student, when appropriate; d) Other individuals at the discretion of the parent or agency; e) The student's regular classroom teacher; f) Appropriate special education personnel, other than those listed in item a (above); g) Other support personnel; h) At least one person qualified to conduct individual diagnostic examinations of students; i) For a handicapped child being evaluated for the first time, the agency also insures that a person is present at the meeting who is knowledgeable about the evaluation procedures used with the child and is familiar with the results of the evaluation. (If individual described in item h above is not knowledgeable of all evaluation procedures used); and j) If appropriate, upon parent's request, a member of same minority or cultural background who is knowledgeable concerning the racial, cultural or handicapping differences of the student.

The LEA insures that one or both of the parents of a handicapped student are present at each team meeting or are afforded the opportunity to participate, including notifying the parents of the meeting early enough to insure that they will have an opportunity to attend, scheduling the meeting at a mutually agreed upon time and place, and if neither parent can attend, the public agency uses other methods to insure parent participation including individual or conference telephone calls. The written notice sent to parents indicates the purpose, time and location of the meeting, who will be in attendance, and an explanation of the procedural safeguards available to the parents. Records of attempts to arrange a mutually agreed upon time and place, including telephone calls, correspondence, a record of visits made to the home or place of employment have been kept by the public agency when the parent cannot be convinced to attend a meeting. The LEA takes whatever action is necessary, including having a private conference with the parents if they request it, to insure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

The public agency provides the parent with a copy of the IEP. The individualized education program written for each handicapped student includes the following information: a) a statement of the child's present levels of educational performance; b) a description of the special education service needs of the student and the names of the persons on the team, which includes school administrator or designee, student's regular classroom teacher, appropriate special education personnel, other support personnel, the parent, and when appropriate, the student; c) a statement of annual goals and periodic review objectives for the special education services including objective criteria for attainment of the short term objectives; d) the plan for, location of, and frequency of a periodic review of the progress in reaching the prescribed

educational goals and objectives; e) the reasons for the type of education placement and program including: (1) type of special education services to be provided; (2) the location of the services; (3) the starting date of the services (4) the anticipated special education services duration; (5) the names and school telephone numbers of those personnel responsible for providing the special education services; (6) substantiation of why the proposed action is most appropriate in terms of the student's educational needs and the principle of the least restrictive environment; f) changes in staffing, transportation, facilities, curriculum, methods, materials, and equipment and other educational services that will be made to permit successful accommodation and education of the student in the least restrictive alternative; and g) a description of the educational activities in which the student will participate in environments which include nonhandicapped students if the pupil is placed primarily in a special education program.

Before an LEA places or refers a handicapped student to a private school or facility, the LEA initiates and conducts a meeting to develop an IEP for the student in conformance with 300a.343, and a representative of the private school or facility attends the meeting. If a representative cannot attend, then other methods such as individual or conference telephone calls are used to insure participation. The LEA insures it has developed IEP's for students who are placed in a private school or facility prior to September 1, 1977. The LEA insures that if the private school or facility initiates and conducts IEP review or revision meetings, the parents and a public agency representative are involved in any decision about the student's IEP and agree to proposed changes in the program before these changes are made. The resident district is responsible for program compliance regardless of the method or location of instruction utilized.

If a handicapped student is enrolled in a parochial or other private school and receives special education or related services from the public agency, the LEA: a) initiates and conducts meetings to develop, review, and revise an IEP for the student; and b) insures that a representative of the parochial or other private school attends each meeting or, if a representative cannot attend, that other methods such as individual or conference telephone calls are used to insure participation. If a handicapped child has available a free appropriate public education and the parents choose to place a child in a private school or facility, the LEA is not required to pay for the child's education at the private school or facility. However, the LEA must make services available to the child as provided under ss 300a.450-460. Disagreements between the parent and the agency about the availability of a program appropriate for the student and the question of financial responsibility are subject to due process procedures.

The general notice provision of 5 MCAR s 1.0127 5 e. states that parents must be informed of their right to: (1) obtain an independent assessment at their own expense; (2) request from the district information about where an independent assessment may be obtained; and (3) obtain an independent assessment at public expense if the parent disagrees with an assessment obtained by the public agency. However, a district may initiate a due process hearing to show that its assessment is appropriate after at least one conciliation conference. If the final decision is that its assessment is appropriate, the parents still have the right to an independent assessment, but not at public expense. Whenever an independent evaluation is at public expense, the criteria, under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the public agency uses when it initiates an evaluation.

The results of the independent educational evaluation obtained by the parents must be considered by the public agency in any decision made with respect to a free appropriate public education of the child and may be presented as evidence at a hearing. 5 MCAR s 1.0125 A.2 states that the team must organize the assessment data and other relevant information, including information supplied by the parents, review that data and determine the students educational needs.

According to 5 MCAR s 1.0129 D. the person conducting the hearing must receive copies of written information concerning the school district's educational assessment or reassessment and copies of all parties' tests, evaluations, or other admissable reports relating to such assessment or reassessment. 5 MCAR s 1.0129 C. 4 states that if a hearing officer requests an independent educational assessment of a child, the cost of the assessment must be at district expense. Requirements of 5 MCAR s 1.0124 relating to identification and assessment procedures apply to all assessments of handicapped children whether conducted at public or private expense.

Written notice is given to parents at a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, educational placement of a child or provision of a free appropriate public education to the child. The prior notice sent to parents must provide: a) a description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take action, a description of the options the agency considered and

the reasons for rejection of the options; b) a description of each evaluation procedure, test, record, or report on which the action is based; c) a full explanation of all procedural safeguards available; and d) a description of any other factors relevant to the action.

Written notices must be in a language understandable to the general public and provided in the parents native language or other mode of communication unless it is clearly not feasible to do so. If the native language or other mode of communication is not written the agency must take steps to insure that the notice is translated to the native language or other mode of communication and written evidence must be secured validating that the parent understands the notice.

Requirements for all formal written notices given to parents are included in 5 MCAR s 1.0127 A. The notice is written in the primary language of the home and in English, and the district makes reasonable provisions for notices for nonreaders and non-English speaking persons necessary to insure that the information is understood. For persons who are handicapped because of a hearing, speech or other communication disorder, the school district must have all pertinent proceedings interpreted in a language the handicapped person understands.

All notices must be sufficiently detailed and precise to constitute adequate notice for hearing of the proposed action and contain a full explanation of all of the procedural safeguards available to parents under the provision of these rules. All notices must:

- Inform the parents of their right to review and receive copies of all records or other written information regarding their child in the school's possession.

- Inform the parents of their right and the procedure and time for them to participate as a team member in developing and determining their child's educational program, including special education services and/or to provide information relative to his or her assessment and the development of the program plan.

- Inform the parents of their right and the procedures and time to receive interpretations of assessment and reassessment procedures, instruments and data or results and of the program plan from a knowledgeable school employee and for that conference to be held in private.

- Inform the parents of their right and the procedure and time to have included on the team that interprets the assessment data and/or develops the individual program plans, such person(s) described in 5 MCAR s 1.0125 A. including a person who is a member of the

same minority or cultural background or who is knowledgeable concerning the racial, cultural, or handicapping differences of the student.

- Inform the parents that they may:

  (1) obtain an independent assessment at their own expense;

  (2) request from the district information about where an independent assessment may be obtained;

  (3) obtain an independent assessment at public expense if the parent disagrees with an assessment obtained by the public agency. However, a district may initiate a due process hearing to show that its assessment is appropriate after at least one conciliation conference. If the final decision is that its assessment is appropriate, the parents still have the right to an independent assessment but not at public expense. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the public agency uses when it initiates an evaluation.

- Informs the parents that the district will not proceed with initial formal assessment or initial placements without prior written consent.

- Inform the parents that if they object to the proposed action in writing, a conciliation conference will be held at a mutually convenient time and place, but that if the parent refuses to attend the conference and the proposed action is not an initial action, as defined in 5 MCAR ss 1.0120, the school district will proceed with the proposed action. The mandatory conciliation process must not be used to deny or delay a parent's right to a due process hearing. When the parent has been involved in the initial decisionmaking process and continues to object to the LEA's proposed action, and the parent refuses efforts to further conciliate the dispute, the requirement of conciliation must be deemed to be satisfied and the parent is entitled to request and receive a due process hearing. (The conciliation conference must not be used to deny or delay parental access to a due process hearing. Districts must offer and invite parents to a conciliation conference. Parents have the right to not conciliate and proceed directly to a hearing. The hearing must be completed within 45 days of the receipt of the request.)

- Inform the parents that if they still object to the proposed action at anytime after the first conciliation conference is convened, they have a right to voice that objection at an impartial due process hearing.

- Inform the parents that they have the right to be represented by counsel or another person of their choosing at the conciliation conference or the impartial due process hearing.

- Assure parents that their child's educational program will not be changed as long as the parent objects to the proposed action, in the manner prescribed by these rules.

- Include a response form on which the parent may indicate their approval of or objection to the proposed action and identify the district employee to whom the response form should be mailed or given and to whom questions may be directed.

- Inform the parents of their right to be represented in preparation of and at the hearing by legal counsel or other representative of their choice.

- Inform the parents of their right, in accordance with laws relating to confidentiality, to examine and receive copies of the child's school records before the hearing, including tests, assessments, reports, or other information concerning the educational assessment or reassessment upon which the proposed action may be based.

- Inform the parents of their right to call their own witnesses and to present evidence, including expert medical, psychological, and educational testimony and relevant records, tests, assessments, reports, or other information.

- Inform the parents of their right to request the attendance of any official or employee of the providing or resident school district or any other person, who may have evidence relating to the proposed action and the manner and time in which to do so.

- Inform the parents of their right to present evidence and cross examine any employee of the school district(s) or other persons who present evidence at the hearing.

- Inform the parents of any free or low cost legal services available in the area.

* Inform the parents of their right to have the child who is the subject of the hearing present at the hearing.

* Inform the parents that the hearing shall be closed unless the parent requests an open hearing.

* Inform the parents that they have a right to obtain a record of the hearing including the written findings of fact and decisions.

Prior to the performance of or refusal to perform a formal educational assessment or reassessment, the providing school district must prepare and serve a notice which meets the requirements of 5 MCAR s 1.0127 A. listed above. In addition, the portion of the notice which is specific to assessment or reassessment must:

* Include the reasons for assessment or the refusal to assess and how the results may be used.

* Include a general description of the procedures to be used.

* State where and by whom the assessment will be conducted.

* Inform the parents that the district will not proceed with the initial formal assessment without prior written consent of the child's parent.

* Inform the parents that except for the initial formal assessment, the district shall proceed with the proposed assessment unless the parent objects on the enclosed response form or otherwise in writing within ten days after receipt of the notice.

Prior to the initiation or change or the refusal to initiate or change a child's educational placement or special education services, the providing school district must prepare and serve a notice which meets the requirements of 5 MCAR s 1.0127 A. In addition, the portion of the notice which is specific to the educational placement and provision of services must:

* Include a copy of the individual educational program plan.

* Inform the parents that the school district will not proceed with the initial placement and provision of service(s) without prior written consent of the child's parent.

* Inform the parents that except for the initial placement and provision of service(s), the district will proceed with the proposed placement and provision of service(s) unless the parent objects in writing on the enclosed response form or otherwise in writing within ten days after the receipt of the notice.

Parental consent must be secured before an agency conducts a preplacement evaluation, or initial placement into a program providing special education and related services. In cases other than initial assessment and placement parent notice, but not consent, is required; and, consent is not required as a condition of any benefit to the parent or child. 5 MCAR s 1.0129 A.2 states that a district must conduct a hearing whenever a parent refuses to provide written permission for the initial assessment, placement and provision of services, provided the district has made at least one attempt to obtain the written consent through at least one conciliation conference. 5 MCAR s 1.0128 A.2 states that if the parent refuses to provide prior written consent the providing district shall arrange for a conference with the parent for the purposes of reviewing the parents suggestions and conciliating matter. Given additional supporting evidence at a conciliation conference, either party may change or modify their decision. However, if after conciliation the district and parent are still in disagreemet the district must conduct a hearing. The agency may act without parental consent if a hearing officer holds that the agency has shown a preponderance of evidence that there are facts supporting the proposed action based on the educational needs of the child. The basis for these decisions is outlined in 5 MCAR s 1.0129 G.

State and local education agencies that maintain records must provide parents in accordance with the laws of confidentiality, with the opportunity to examine all education records regarding the identification, evaluation, educational placement and provision of a free appropriate public education of the child.

5 MCAR s 1.0129 outlines procedures for parents or the agency to initiate an impartial due process hearing on matters related to the proposal or refusal to initiate or change the identification, evaluation, educational placement of a child or provision of a free appropriate public education to the child. A hearing must be held whenever the agency receives the parents written request for a hearing after at least one conciliation conference has been convened, or whenever the parent refuses to provide written consent for a proposed initial action and at least one conciliation conference has been convened.

In Minnesota, the district where the child lives is responsible for providing an appropriate education according to these rules including the notice and hearing sections. However, if the handicapped person lives outside of his district of residence under the provisions of Minn. Stat. s 120.17, subd. 6 & 7, the district where the child lives is responsible for providing an appropriate program for the child as set forth in state

statutes and these rules including the notice and hearing provisions. The public educational agency responsible for the child's education conducts the hearing. The resident school district, if different from the providing school district, must receive notice of and may be a party to any hearings or appeals if the district notifies the providing school district and the parent of its intention to be a party within seven days of receipt of the notice from the providing school district.

A hearing regarding a proposed assessment or reassessment, or a proposed initiation or change in an IEP, placement and/or services must be held whenever the providing district receives the parents request for a hearing. However, no parent has a right to request a hearing unless at least one conciliation conference has been convened. The mandating conciliation conference must not be used to deny or delay a parents' right to a due process hearing. When the parent has been involved in the initial decisionmaking process and continues to object to the LEA's proposed action, and the parent refuses efforts to further conciliate the dispute, the requirement of conciliation must be deemed to be satisfied and the parent is entitled to request and receive a due process hearing.

If a parent refuses to provide written permission for an initial assessment or placement and provision of services, a conciliation conference will be held according to 5 MCAR s 1.0128 A.2. which states that, If the parent refuses to provide prior written consent within ten days after the receipt of the notice and response form, the providing school district must arrange for a conference with the parent for the purposes of reviewing the reasons for the proposed action, reviewing the parent's suggestions and concerns and conciliating the matter. Each conference must be held at a time and place mutually convenient to the parent and school district representatives and the initial conference must be held within ten days after the expiration of the ten day period for parent response.

In cases where the parents fail to attend the initial conciliation conference, the district may choose to schedule additional conciliation conferences. Given additional supporting evidence at a conciliation conference either the parents or the district may change their mind. However, if after conciliation the parents and the district still disagree, the district must conduct a hearing as outlined in 5 MCAR s 1.0129 A.2. which states that a district must conduct a hearing whenever a parent refuses to provide written permission for initial assessment, placement and provision of services, provided the district has made at least one attempt to obtain the written consent through at least one conciliation conference.

In the event of a hearing, at least five calendar days before the hearing, the objecting party must provide the other party with a brief written statement of the objection and the reasons for the objection.

The hearing takes place before an impartial hearing officer mutually agreed to by the school board and the parent. According to 5 MCAR s 1.0129 C.3 the hearing officer must not be a school board member or employee of the school district where the child resides or of the child's school district of residence, an employee of any other public agency involved in the education or care of the child, including the state education agency, or any person with a personal or professional interest which would conflict with his objectivity at the hearing. A person who otherwise qualified as a hearing officer is not an employee of the district solely because the person is paid by the district to serve as a hearing officer. The LEA keeps a list of persons who serve as hearing officers and a description of their qualifications.

The written notice requirements specified in 5 MCAR s 1.0127 A. include that parents must be notified of free or low-cost legal services and that they have the right to have the child present and the hearing open to the public. Any party to a hearing has a right to: a) be accompanied and advised by counsel and individuals with special knowledge or training with respect to the problems of handicapped children; b) present evidence and confront, cross-examine and compel attendance of witnesses; c) prohibit evidence not disclosed five days before the hearing; d) obtain a written or electronic verbatim record of the hearing; and e) obtain written findings of fact and decisions and send findings to the State Advisory panel. Additional specific notice requirements are listed in 5 MCAR s 1.0129 B.

The decision of the hearing officer is binding on all parties unless appealed to the hearing review officer by the parent or the school board where the child resides. The appeal decision as outlined in 5 MCAR s 1.0129 H. must be based on a review of the local decision and the entire record and assure that the hearing was consistent with due process procedures. The hearing review officer must seek additional evidence if necessary and may afford the parties an opportunity for written or oral argument.

The commissioner of education, having delegated general supervision of special education to the appropriate staff, shall be the hearing review officer except for appeals in which:

(1) the commissioner has a personal interest in or specific involvement with the student who is a party to the hearing;

(2) the commissioner has been employed as an administrator by the district that is a party to the hearing;

(3) the commissioner has been involved in the selection of the administrators of the district that is a party to the hearing;

(4) the commissioner has a personal, economic, or professional interest in the outcome of the hearing other than the proper administration of the federal and state laws, rules, and policies;

(5) the appeal challenges a state or local policy which was developed with substantial involvement of the commissioner; or

(6) the appeal challenges the actions of a department employee or official.

For any appeal to which the above exceptions apply, the state board of education shall name an impartial and competent hearing review officer.

In all appeals, the parent or guardian of the handicapped student or the district that is a party to the hearing may challenge the impartiality or competence of the proposed hearing review officer by applying to the state board of education.

The hearing review officer's final decision must be independent, must be in writing, include findings and conclusions, be based on the standards, requirements and principles set forth in Minnesota's statutes and rules and mailed to the parties. This decision is final unless appealed by the parent, the school board, or any aggrieved party to the district court of the county in which the providing school district is located.

5 MCAR s 1.0129 G. requires the hearing officer to prepare a written decision within 45 calendar days from the receipt of the request for a hearing. Timelines for the hearing review officer's decision are stated in 5 MCAR s 1.0129 H. The hearing review officer must issue a final decision within 30 calendar days after the filing of the appeal. Copies of these decisions are mailed to the parties.

Hearings and reviews must be held at a time, date and pl[illegible] mutually convenient to all parties as stated on 5 MCAR s [illegible].0129 B. Unless the district and parent agree otherwise, the student must not be denied initial admission into school and the student's educational program must not be changed as long as the parents object to the proposed action in a manner prescribed in these rules.

The SEA policy for surrogate parents includes the following from 5 MCAR s 1.0123. When a child is a ward of the Commissioner of Public Welfare, when the parent or guardian is unknown or unavailable, or when parental rights have been terminated, the district assures that the rights of the child to a free and appropriate education are protected by contacting the local county welfare department and requesting that the public welfare system intervene on behalf of the child. The district must suggest to the local county welfare system that a contact with the county attorneys office be made to determine whether a guardian ad litem should be appointed. (NOTE: This rule is undergoing revision at the current time to clarify the education agencies responsibility in the appointing, training and removal of surrogate parents.)

A person selected as a surrogate must have no interests which conflict with the interests of the child. Surrogate parents must have the knowledge and skills that assure adequate representation of the child, must not be an employee of a public agency which is involved in the education or care of the child. The surrogate parents are permitted to represent the child in all matters relating to the identification, evaluation, educational placement and the provision of a free, appropriate public education to the child.

CHAPTER VII LEAST RESTRICTIVE ENVIRONMENT

Minnesota's policy of least restrictive alternative appears in Minn. Stat. s 120.17, subd. 3a. (c) which states that every district must insure that to the maximum extent appropriate, handicapped persons, including those in public or private institutions or other care facilities are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when and to the extent that the nature or severity of the handicap is such that education in regular classes with the use of supplementary services cannot be achieved satisfactorily. This applies to all public agencies in the state that provide educational services to handicpped students as well as private agencies providing educational services to students placed by a public agency.

The definition of education reflects learning in the cognitive, affective and psychomotor domains thereby extending the principle of least restrictive alternative to insure that each handicapped child participates in nonacademic and extracurricular services and activities with nonhandicapped children to the maximum extent appropriate to the needs of the child. This is also supported by Minn. Stat. s 363.03, Unfair Discriminatory Practices, subd. 5.

Each student's IEP must specify the nonacademic and extracurricular activities in which the handicapped student participates with nonhandicapped students. The parents and public agency must agree that the handicapped student participates with nonhandicapped students to the maximum extent appropriate to the needs of that child. The SEA P.L. 94-142 and Section 504 monitoring efforts, as well as the SEA complaint system, assure that these procedures are followed in Minnesota. District personnel, as well as other public and private agency staff serving handicapped students, have been notified of this requirement at state, regional and local training sessions on LRE as well as through the dissemination of materials relating to all provisions of LRE and the monitoring manual which includes this stipulation.

Minn. Stat. 120.17, subd. 1, indicates that districts are to maintain a full sequence of programs for the education, training and services for handicapped children.

The Continuum of Placement Model, (called Early Childhood and School Age Program Alternative in the proposed revision), defines the different levels of service which local education agencies may utilize in delivering programs and services to students who are handicapped. The responsibility of providing this range of service options is that of the local education agency. Districts with less than the minimum number of eligible handicapped children as determined by the State Board cooperate with each other to maintain a full sequence of programs for education, training and services for handicapped children. Sparsely populated areas of the state continue to have difficulty in providing Level 4 or 5 services to severely handicapped children because there may be only one or two handicapped children in a district or cooperative for whom a placement is appropriate.

Agreements with the Departments of Correction and Public Welfare assure that the requirements of the principle of the least restrictive environment are met in the educational programs under their supervision. All public agencies in the state charged with educating handicapped children use procedures which are consistent with state and federal least restrictive environment/alternative requirements. This includes handicapped students placed in private schools by public agencies and students in private schools that receive special education from a public agency.

The activities to be carried out to insure that teachers and administrators are informed of their responsibilities under LRE include the distribution of state and federal rules and information brochures to each district, public hearings on the state plan, state-wide distribution of the state plan, and SEA memorandums on policies and procedures. Technical assistance and training is provided by the SEA to LEAs through state conferences for special educators, regional conferences and staff visits to districts in conjunction with requests and/or outcomes of monitoring activities. Regional projects for children with low incidence handicaps are funded with state discretionary monies from P.L. 94-142.

The on-site program compliance review assures that LEAs are addressing the least restrictive environment. The SEA, as a result of this review, provides technical assistance to LEAs that are encountering difficulties in this area. Corrective action is taken whenever there is evidence that placements are inconsistent with LRE requirements. These include the SEA's system for monitoring LEA applications and random checks of IEPs during on-site visits. In addition, the SEA's formal complaint procedure and administrative review of local hearings will enable identification of placements which are inconsistent with LRE requirements. Corrective action will follow the procedures provided by Minn. Stat. s 124.15 regarding the reduction of aid for violation of law, to identify the violation, identify the correction, specify a timeline for correcting the violation and possible penalities for failure to correct the problem.

The definition of LRE in 5 MCAR s 1.0120 states that the needs of the person must determine the type and amount of services needed. The student placement must be based on the IEP as outlined in 5 MCAR s 1.0125 C. which requires that the program plan must be based on the assessment data and other information and be consistent with the requirement of non-discrimination and the principle of least restrictive alternative. Annual IEP reviews, including placement, are required in 5 MCAR s 1.0126 A.2.

Minnesota has rules to assure that each agency provides or arranges for the provision of all the alternative settings necessary for the implementation of IEPs in or as close as possible to the child's home. Regardless of whether the placement is in a public or private school or agency, the district is responsible to assure that all necessary standards are met. The district of residence is responsible for maintaining an appropriate program for all eligible handicapped persons regardless of the method or location of instruction utilized and the district must not purchase special educational services for a child from a public or private agency when such a service is available or can be made available and can be more appropriately provided as the least restrictive alternative within the district. Each public agency insures that, except where the child's IEP calls for some other arrangement, the child shall be educated in the school which he/she would normally attend if not handicapped.

The definition of least restrictive alternative appears in Minnesota rule 5 MCAR s 1.0120 which states that to the extent that there are no detrimental effects, children who are handicapped must be educated with children who do not have handicaps and must attend regular classes. A handicapped person must be removed from a regular educational program only when the nature or severity of the handicap is such that education in a regular educational program cannot be accomplished satisfactorily. Furthermore, there must be an indication that the person will be better served outside of the regular program. The needs of the person must determine the type and amount of services needed.

CHAPTER VIII PROTECTION IN EVALUATION PROCEDURES

Minnesota state laws and rules provide for the protection of students who are handicapped regardless of their race, culture or handicapping condition. Minn. Stat. s 120.17, subd. 3a (d) states that "in accordance with recognized professional standards, testing and evalution materials and procedures utilized for the purposes of classification and placement of handicapped children are selected and administered so as not to be racially or culturally discriminatory". 5 MCAR s 1.0120 defines non-discrimination as "... the requirement that school districts must: a) not discriminate in any manner in the full utilization of or benefit from any educational institution of the services rendered thereby because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, or disability and otherwise comply with the provisions of Minn. Stat. Ch. 363; b) provide procedures that insure that in accordance with recognized professional standards, testing and evaluation materials and procedures utilized for the purposes of identification, assessment, classification, educational program plan development, educational placement including special education services, program implementation, review and evaluation, notice and hearing are selected and administered so as not to be discriminatory including cultural discrimination ...".

Evaluation materials administered to a child with impaired sensory, manual or speaking skills must yield results which accurately reflect the child's aptitude or achievement level and may not be racially or culturally discriminatory. 5 MCAR s 1.0120 requires evaluation procedures and materials to take into account the special limitations of handicapped persons as well as the racial or cultural differences presented. Procedures must be justified on the basis of their usefulness in making educational program decisions which will serve the individual student.

5 MCAR s 1.0124 B. 3 b. states that the assessment must "... be performed in accordance with recognized professional standards which include recognition or accommodation for persons whose differences or conditions cause standardized instruments to be invalid and otherwise in accordance with the requirements of non-discrimination."

5 MCAR s 1.0124 B. 1 a. requires a formal educational evaluation be conducted when because of a person's performance in the present educational placement or presenting handicapping conditions, he or she is thought by the school district to be in need of possible initiation or change in the educational placement or program or special education services as set forth in 5 MCAR s 1.0125 E. In addition, 5 MCAR s 1.0120 defines a formal educational assessment as an individual evaluation, conducted in accordance with recognized professional standards. The intent of "recognized professional standards" is to insure

that a) evaluation materials are properly validated, b) evaluation materials are recommended for a specific purpose and are administered in conformance with instructions by certified personnel, c) evaluation materials selected and administered to a child with impaired sensory, manual or speaking skills must yield results whih accurately reflect the child's aptitude or achievement level or other factors they purport to measure, and that d) information obtained from all sources would be documented.

Through the requirements in 5 MCAR s 1.0124 and 5 MCAR s 1.0125 Minnesota assures that: a) the evaluation is made by a multi-disciplinary team including one expert in the area of suspected disability, b) the child is assessed in all areas related to the suspected disability, c) no single test be the sole criteria for placement, d) evaluation materials will be in the child's native language if possible, e) evaluation materials assess specific areas of educational need, not just I.Q., f) information from a variety of sources including achievement tests is gathered and used in the placement decision, and, in conjunction with the requirement for the use of recognized professional standards, and g) interpretation of evaluation data and determination of the child's placement be made by a team knowledgeable about the child, the meaning of the evaluation results, and the placement options.

5 MCAR s 1.0124 B. 2 requires the district to review the screening, referral and other data about the child prior to conducting an assessment. The district is also required to include on the assessment team licensed special education personnel and others who may have the responsibility for implementing the educational program for the child. 5 MCAR s 1.0124 B. 3 adds that the assessment must reflect the person's current level of performance and must: a) be appropriate to the presenting problem and may include observation, evaluation, and testing of the person's intellectual, academic, verbal, emotional, adaptive behavior, sensory, physical, and social development; b) include a review of the person's learning environment and learning modes. When the team determines it to be necessary because of racial, cultural, or other differences presented by the person or due to the nature of the student's presenting handicapping condition they must make reasonable efforts to obtain information from the parents relating to the student's functioning in his or her total environment; and c) be provided and administered in the person's primary language or mode of communication unless it clearly is not feasible to do so.

5 MCAR s 1.0125 A. requires that following the assessment, in order to determine if the person is in need of special education services, the district must: a) designate a team of persons responsible for determining the educational needs of the student which, at a minimum, must include a school administrator or designee, the student's regular classroom teacher, appropriate special education personnel, other support personnel, the parent, and when appropriate, the student; b) organize the assessment data and other relevant information and reports, including information supplied by the parents, and c) review that data and determine the student's educational needs.

The group of persons making the placement decision must include those knowledgeable about the child, the meaning of the evaluation data, and the placement options. In addition, 5 MCAR s 1.0125 C. states that the program plan must be based on the assessment data and other information and be consistent with the requirement of non-discrimination and the principle of the least restrictive alternative. 5 MCAR s 1.0126 A. 2 stipulates that an initial review of the IEP must be made at the time specified in the program plan. Chapter 548, Article 3 of the 1982 Laws of the State of Minnesota establishes the responsibility for districts to complete an annual periodic review of each child's IEP and a reassessment every three years. An assessmet must be held more frequently if parents or teachers make a request and conditions warrant it.

CHAPTER IX COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

Participatory Planning

The Minnesota Comprehensive System of Personnel Development includes a) needs assessment through monitoring, due process, variances, child count, and availability of Institutions of Higher Education (IHE) training programs, b) planning through Special Education Advisory Council (SEAC), State, Regional and local representatives, c) implementation of inservice, pre-service, dissemination, technical assistance, and d) evaluation through participant feedback, monitoring, etc. The SEA utilizes a variety of participatory planning resources to assess these needs, plan, implement and evaluate as outlined. Chart IX-A. illustrates the flow of information in these decisions.

Chart IX - A.

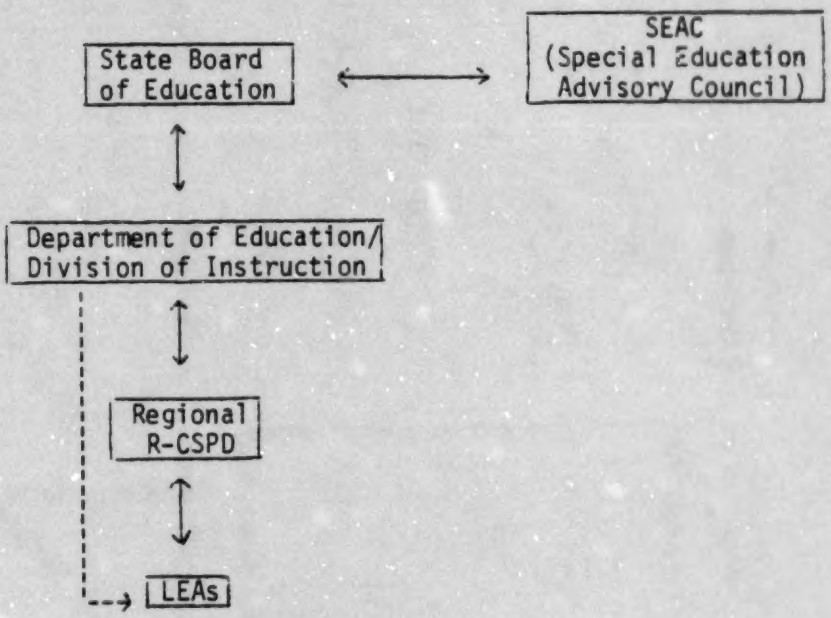
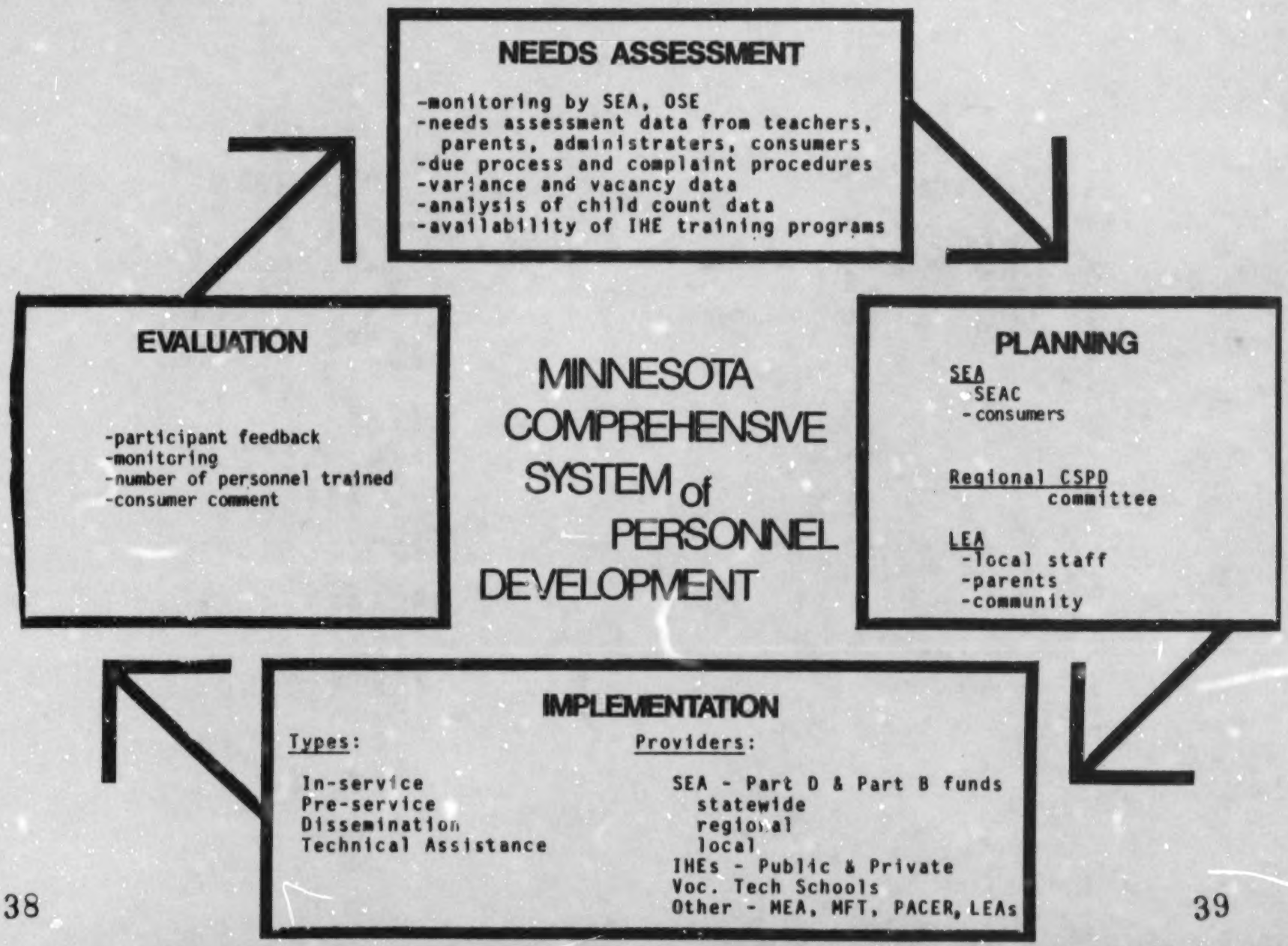


Chart IX-B is a pictorial display of the four components of Minnesota's Comprehensive System of Personnel Development.

Chart IX - B.


NEEDS ASSESSMENT
-monitoring by SEA, OSE
-needs assessment data from teachers, parents, administraters, consumers
-due process and complaint procedures
-variance and vacancy data
-analysis of child count data
-availability of IHE training programs
PLANNING
SEA
SEAC
-consumers
Regional CSPD committee
LEA
-local staff
-parents
-community
IMPLEMENTATION
Types:
In-service
Pre-service
Dissemination
Technical Assistance
Providers:
SEA - Part D & Part B funds
statewide
regional
local
IHEs - Public & Private
Voc. Tech Schools
Other - MEA, MFT, PACER, LEAs
EVALUATION
-participant feedback
-monitoring
-number of personnel trained
-consumer comment
MINNESOTA COMPREHENSIVE SYSTEM of PERSONNEL DEVELOPMENT

State Board of Education

The State Board of Education approves/disapproves rule changes and policy statements including personnel development.

SEAC

The Special Education Advisory Council (SEAC) is composed of 15 members:

- Special Education Director
- Handicapped Persons (Two)
- Related Service Personnel (Occupational Therapist)
- LEA School Board Member
- Child Advocates
- Superintendent
- Private School Principal (Residential)
- Parent
- Special Education Program Coordinator
- Special Education Teacher
- High School Teacher
- LEA Principal (Elementary)
- Higher Education Representative

SEAC provides advice and comment to the SEA in all matters relative to a free appropriate public education for handicapped children, including the Comprehensive System of Personnel Development. They meet ten times per year and spend a good part of three to four of these meetings on personnel development.

SEA

The State Educational Agency obtains and disseminates human, material and monetary resources. These resources are used to review and conduct annual updating of state, regional and local training needs assessments and to develop implementation plans that will meet these needs.

The SEA provides a full-time Comprehensive System of Personnel Development (CSPD) consultant who directly assists the Regional Comprehensive System of Personnel Development (R-CSPD) committees and who directly and/or indirectly assists the LEA's with technical assistance.

The SEA conducts an annual evaluation of the State, Regional and LEA's Comprehensive System of Personnel Development Plans.

Regional CSPDs

Regional Comprehensive System of Personnel Development committees (R-CSPDs) have been established in each of the ten regions of the state to assist the SEA in meeting training needs more specific to each region. These committees are composed of representatives from the following groups:

- Superintendents
- Special Education Directors
- Principals (elementary and secondary)
- Parents/Handicapped Persons
- Practicing Teachers (regular and special education, representing both teacher organizations if possible)
- Related Services Providers (Psychologists, Social Workers, OT, PT, Speech Therapists, Audiologists)
- Support Services (aides, bus drivers, interpreters)
- Non-public School Staff (administrative, teaching, related services)
- Higher Education Teacher Trainers (regular and special education)
- Vocational Educators.

Additional representatives may be involved such as:

- Mental Health Center Personnel
- County Welfare Department Staff
- Rehabilitation Personnel
- LEA Support Personnel
- Developmental Disabilities
- Representatives From Advocacy Groups
  - MN Epilepsy League, Parent Advocacy Coalition For Educational Rights, MN Association For Retarded Citizens

The R-CSPD committee's responsibility is to identify training needs and provide for inservice training at the regional level.

The R-CSPDs were established during FY 1981 and FY 1982, through a Title VI-D SEA CSPD grant, to assess needs, plan, and implement regional training programs. This effort has also been identified as a P.L. 94-142 discretionary priority and dollars based on the regional child count have been available to support these efforts. The R-CSPDs work closely with the SEA in planning and implementing training and will offer technical assistance to the LEAs in each region in developing and implementing local (LEA) personnel development plans. The R-CSPD's annually update their needs assessment information and implementation plans and submit them to the SEA who inturn compiles the information into a state-wide CSPD plan. The R-CSPD's will submit an annual report to the SEA specifying the numbers and types of special education personnel trained.

LEA's

Local Educational Agencies are responsible for assessing the training needs of their local districts and to provide the appropriate inservice training.

The SEA distributes part of the P.L. 94-142 flow-through money to each LEA for the specific purpose of providing personnel development funds at the local level. The LEAs apply for these funds annually in the same manner as their entitlement. They are, however, required to develop an annually updated LEA Personnel Development plan which includes the following facets and are highly encouraged to share them with the R-CSPD committee in their region.

Participatory planning
Needs assessment
Incentive for participants
Implementation plan, objectives and time frame
Target audiences and trainers
Budget
Evaluation
Use and dissemination of educational research, innovative practices and materials.

The LEA, (as outlined in their budget application), uses a variety of incentives to insure participation of special education teachers and administrators. These include release time, payment for participation, options for academic credit, salary step credit, certification renewal, and updating professional skills.

The LEA reports the actual number of various types of personnel trained to the SEA at the end of each year.

IHEs

CSPD coordination with public and non-public IHEs occurs in a number of ways; (1) Representation for IHEs is included on the SEAC and their input is included when state-wide CSPD concerns are discussed; (2) SEA staff serve on various public and non-public IHE advisory committees and task forces on special education preservice needs in Minnesota (e.g., a state-funded low incidence preservice grant with the University of Minnesota); (3) State and federal cooperative funding efforts between the State Office and the University to target high preservice/inservice needs (e.g., cooperatively drafting an inservice grant to train teachers of severely/profoundly handicapped students); (4) Public and non-public IHE special education programs are reviewed by SEA staff for approval on a rotation basis every five years; (5) State and IHE information is shared routinely through mailings, Special Net, informal meetings, etc.; and (6) SEA staff assist/participate in conducting public and non-public IHE research projects or reports.

Following is a summary of IHE approved programs for special education teachers and administrative personnel. It is the IHE's responsibility to plan for and provide the needed preservice training.

Chart IX - C.

APPROVED PROGRAMS FOR SPECIAL EDUCATION TEACHERS AND ADMINISTRATIVE PERSONNEL*

	SPECIAL EDUCATION									
	EARLY CHILDHOOD	HEARING IMPAIRED	VISUALLY IMPAIRED	MR - EDUCABLE	MR - TRAINABLE	PHYSICALLY HANDICAPPED	SPEECH PATHOLOGY	SLD - ED	SLD - LD	DAPE
University of Minnesota - Duluth					X		X	X	X	
University of Minnesota - Minneapolis		X	X	X	X	X	X	X	X	
Bemidji State University - Bemidji									X	
Mankato State University - Mankato	X			X	X		X	X	X	X
Moorhead State University - Moorhead	X			X	X		X	X	X	
St. Cloud State University - St. Cloud	X			X	X		X		X	
Winona State University - Winona				X					X	
College of St. Teresa - Winona							X			
College of St. Thomas - St. Paul	X			X	X	X		X	X	

*Source: Minnesota Department of Education
Division of Special Services
Personnel Licensing and Placement Section
July 1982

Other

Other community groups such as PACER (Parent Advocacy Coalition for Educational Rights), MN Committee of the Handicapped (a coalition of 22 parent advocate organizations), MN Association for Children with Learning Disabilities, and MN Association for Retarded Citizens, are encouraged to participate in inservice and preservice development at the LEA level, regional level (R-CSPD) or at the SEA level (SEAC). Other agencies, e.g. Departments of Health and Welfare, the Developmental Disabilities Council, the Council on the Handicapped, receive the SEAC (advisory committee) minutes, are invited to attend the SEAC meetings and are also encouraged to participate in the inservice and preservice development at the LEA level regional level (R-CSPD) and the SEA level.

Needs Assessment

An annual state-wide needs assessment is compiled by the SEA using formal and informal input received from the participation planning groups previously mentioned and from the following additional sources:

1. OSER - Program Administrative Review; monitoring data
2. SEA - Division of Instruction, Monitoring Section; Annual Monitoring Report
3. Participants of Inservice Training Programs; Evaluation of Programs and Requested Needs for Additional Training
4. SEA - Division of Instruction, Monitoring Section; Annual Complaint Report
5. SEA - Division of Instruction, Special Ed Section; Annual Report - Number of Teachers Teaching with a Variance Request
6. LEA - Year End Reports; Annual Analysis of Teacher Vacancies
7. SEA - Division of Instruction, Special Ed Section; Annual Analysis of Child Count Data
8. IHE - Teacher Training Programs; Analysis of Projected Number of Students Graduating in Special Education
9. SEA - Placement Bureau; Annual Analysis of LEA Special Education Vacancies

The SEA CSPD consultant is responsible for reviewing, compiling, analyzing and prioritizing annually the inservice/preservice needs from all of the sources mentioned into a state-wide needs assessment and disseminating it to the R-CSPD committees and SEAC. Following is a narative summary of the inserivce and preservice priority need areas for 1984-86.

General Needs

With recent economic downturns and declining enrollments, fewer new teachers are being employed by public school districts in Minnesota. The average age of all teachers is increasing: During 1981-82, it increased to approximately 45. This creates a need for ongoing inservice and retraining of tenured staff during a time of technological, social, and educational change.

Recent union contract negotiations have created situations where minimally trained or provisionally licensed persons are bumping fully licensed and experienced special education teachers. This supports a need for ongoing inservice and retraining of tenured staff who have: a) minimal special education qualifications; or b) qualifications which date back a number of years and have not been, or are minimally, updated.

The need to train regular education teachers has been emphasized by expressed needs of the teachers themselves and by compliance citations concerning their involvement in the assessment, IEP and team processes. This overlaps with a need to train special education and regular education teachers to work together in innovative ways to provide appropriate educational services in the most cost-effective way. Policy makers from the State (and University) level to the LEA level have expressed the need and desire to emphasize this area during FY 1984-86.

There are over 10,000 students in Minnesota who have been identified as having Limited English Proficiency (LEP). It can be assumed that approximately 10% will have need for special education. It is therefore necessary to train special education and regular education teachers to administer tests that are not discriminatory in nature. In addition, there is a need for all teachers to receive training in:

1) multi cultural awareness
2) how to communicate with LEP parents
3) how to communicate with LEP students
4) how to work with interpretors, bilingual and English as a Second Language (ESL) teachers

Inservice And Preservice Training Needs As Identified In Needs Assessment

Hearing Impaired

During 1981-82, four out of 153 teachers were teaching with two year provisional licenses (see Table IX-1) and seven were teaching with emergency personnel variances (see Table IX-2).

TABLE IX-1
NUMBER OF FTE* SPECIAL EDUCATION TEACHERS
REPORTED AS PROVISIONALLY AND FULLY LICENSED
1982

	PROVISIONAL		FULLY LICENSED
	NUMBER	PERCENT OF TOTAL	
SPEECH	0	0	964
EDUCABLE MENTALLY RETARDED (EMR)	36	1.7	2,032
TRAINABLE MENTALLY RETARDED (TMR)	14	1.1	1,211
PHYSICALLY HANDICAPPED (PH)	0	0	38
HEARING IMPAIRED (HI)	4	2.6	153
VISUALLY IMPAIRED (VI)	2	3.3	59
LEARNING DISABILITY (LD)	159	5.3	2,858
EMOTIONALLY DISTURBED (ED)	133	23.5	433
PRESCHOOL	226	97.0	7
TOTAL	589		7,803

* Full Time Equivalent

TABLE IX-2
NUMBER OF VARIANCES
GRANTED BY DISABILITY AREA

	SCHOOL YEAR		
	7/1/79-6/30/80	7/1/80-6/30/81	7/1/81-6/30/82
SPEECH (Coordinator)	37	15	3
EDUCABLE MENTALLY RETARDED (EMR)	9	10	13
TRAINABLE MENTALLY RETARDED (TMR)	15	11	7
PHYSICALLY HANDICAPPED (PH)	0	0	3
HEARING IMPAIRED (HI)	11	10	7
VISUALLY IMPAIRED (VI)	4	6	3
LEARNING DISABLED (LD)	318	198	52
EMOTIONALLY DISTURBED (ED)	47	55	19
PRESCHOOL	98	71	46
HOME BOUND	0	0	21
OTHER ESSENTIAL PERSONNEL	5	1	2
TOTAL	544	377	176

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Child count figures for this category increased from 1313 in 1980-81 to 1432 in 1981-82 (see Table IX-3). Projections demonstrate that the number of teachers needed in FYs 1984-86 will stabilize at the current figure (see Table IX-4). This area has been identified as a part of the low incidence planning (especially in rural areas) prioritized in the 1983 and 1984-86 State Discretionary Plans because of the lack of specially trained persons in rural areas of the state.

TABLE IX-3
MINNESOTA
SPECIAL EDUCATION
CHILD COUNT*

Number of School Age Children 3-21 Served by Handicapping Condition.

	DECEMBER 1980	DECEMBER 1981	DECEMBER 1982
SPEECH IMPAIRED	21,136	19,231	19,013
EDUCABLE MENTALLY RETARDED (EMR)	10,140	10,300	9,929
TRAINABLE MENTALLY RETARDED (TMR)	3,485	3,598	3,496
PHYSICALLY HANDICAPPED (PH)	1,231	1,299	1,296
HEARING IMPAIRED (HI)	1,313	1,278	1,432
VISUALLY IMPAIRED (VI)	408	392	345
LEARNING DISABLED (LD)	30,695	35,244	34,748
EMOTIONALLY DISTURBED (ED)	4,410	4,969	5,000
DEAF/BLIND (D/B)	31	27	19
OTHER HEALTH IMPAIRED	1,414	778	720
AUTISTIC	0	126	146
TOTAL CHILD COUNT	79,962	77,247	76,990
TOTAL ENROLLMENT (Public and Non-Public Schools)	844,318	819,730	730,360

* Child count taken December 1st of each year. Unduplicated count reported for P.L. 94-142 includes public and non-public schools. Does not include P.L. 89-313 count.

TABLE IX-4
ESTIMATED NUMBER
OF
FULL TIME EQUIVALENT (FTE) STAFF
BY
DISABILITY AND OTHER ESSENTIAL PERSONNEL

	ACTUAL	ESTIMATED		
DISABILITY	1982	1983	1984	1985
SPEECH IMPAIRED	926	899	886	868
EDUCABLE MENTALLY RETARDED (EMR)	1,430	1,358	1,381	1,364
TRAINABLE MENTALLY RETARDED (TMR)	1,565	1,474	1,432	1,432
PHYSICALLY HANDICAPPED (PH)	437	450	450	450
HEARING IMPAIRED (HI)	287	284	284	284
VISUALLY IMPAIRED (VI)	74	67	67	67
LEARNING DISABLED (LD)	2,971	2,792	2,733	2,680
BEHAVIOR PROBLEMS (Residential)	145	128	128	128
EMOTIONALLY DISTURBED/AUTISTIC	735	916	832	848
EARLY CHILDHOOD (Non-Categorical)	503	521	539	557
SUB-TOTAL	9,073	8,798	8,712	8,669
OTHER ESSENTIAL PERSONNEL				
DIRECTORS and ASSISTANTS	106	100	100	100
SUPERVISORS and LEAD TEACHERS	123	123	123	123
SOCIAL WORKERS and AIDES	369	327	318	313
PSYCHOLOGISTS	284	271	271	271
ADAPTIVE PHYSICAL EDUCATION	73	58	63	68
OTHER	205	198	208	209
SUB-TOTAL	1,060	977	983	984
GRAND TOTAL	10,133	9,773	9,725	9,683

Early Childhood Handicapped

During 1981-82, 97% (226) of the early childhood handicapped teachers held two year provisional licenses and 46 were teaching with emergency personnel variances. Projections indicate that an increase of 18 early childhood handicapped teachers will be needed in 1982-83 for a total of 521, 18 more in 1983-84 for a total of 539, and 21 more in 1984-85 for a total of 557 (See Table IX-4). This points out a great need for statewide preservice and inservice for provisionally licensed teachers to become fully licensed and a need for preservice in order to increase the total number of fully licensed teachers in early childhood handicapped in the state.

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Emotional Disorders

During 1981-82, 23.5% (133) of the teachers in emotional disorders held a two year provisional license (See Table IX-1) and 19 were teaching on emergency personnel variances as districts could not find appropriately licensed staff for these positions. (See Table IX-2)

Child count figures for emotional disorders have shown an increase from 4410 in 1980-81 to 5800 in 1981-82 (see Table IX-3) creating a need for more teachers in this area. Projections for 1983-84 indicate that there will be a need for 81 more ED teachers for a total of 816, for a need for a total of 832 in 1984-86, and a need for 848 in 1985-86 (see Table IX-4).

Specific Learning Disabilities

During 1981-82 there were 159 teachers in learning disabilities who held two year provisional licenses (See Table IX-1) and 52 persons were teaching on emergency personnel variances (See Table IX-2). While these numbers have decreased somewhat, it still demonstrates that there is a need to provide preservice and inservice to minimally trained and provisionally licensed LD teachers.

Monitoring and Compliance reports identify that from 39 to 71 of the 153 public school districts monitored in 1981-82 were cited in at least one area under "Identification and Assessment of Children with Learning Disabilities" (see Table IX-5). This demonstrates a high need to provide inservice for LD teachers on the implementation of assessment IEP and due process procedures in the federal rules.

Low Incidence Areas

Lower child count figures from the rural regions of the State indicate that there is a need for expansion and/or coordination of services for students who are visually handicapped, physically handicapped, hearing impaired or otherwise severely or profoundly handicapped. Rural school district administrators emphasize that the main reason for the lack of or minimal services is the absence of provisionally or fully licensed teachers in these low incidence areas. This situation has been identified as a priority need in the State Discretionary Plan and in the Title VI-D grant for R-CSPD committees.

Developmental Adaptive Physical Education

Licensure requirements for developmental adaptive physical education (DAPE) will become effective in 1985. Currently, there are no such requirements in place: A physical education license is the only requirement until that time. This points to a great need to provide preservice and inservice for persons teaching, or desiring to teach, DAPE so they will be fully licensable by 1985.

TABLE IX-5

NUMBER OF DISTRICTS/COOPS CITED
(OUT OF A TOTAL OF 183 MONITORED)
AS BEING IN NON-COMPLIANCE
OR HAVING A COMPLIANCE PROBLEM AREA
1981-82

COMPLIANCE AREA	COMPLIANCE CRITERIA STATEMENT CITED	NUMBER OF DISTRICTS/COOPS
I. USE OF FUNDS	Expenditure for staff salaries.	45
II. IDENTIFICATION AND PLACEMENT	A. Child Identification - Development, implementation of written IEPs and district responsibility for programming.	46
	B. IEP - Initial assessments completed within 30 days of receipt of consent.	34
	- At least two periodic reviews held annually.	49
	- Team meetings are attended by appropriate personnel.	86
	- Attempts to arrange a mutually agreed upon time and place for a team meeting are recorded when parents cannot be convinced to attend.	32
	Content and/or format of IEP must contain all required information.	109
	C. Due Process Procedures - Parent is informed that consent is voluntary and may be revoked.	31
	- Required parental rights information is provided to parents.	48
	- Required information is provided to parents prior to assessment/reassessment.	31
	- Required information is provided to parents prior to initiating a program.	40
	D. Protection in Evaluation Procedures - All requirements are met in the use of tests and other evaluation materials.	41
	E. Least Restrictive Environment	Citations not cited for 20% of LEAs.

COMPLIANCE AREA	COMPLIANCE CRITERIA STATEMENT CITED IN OVER 20 PERCENT OF FINAL REPORTS	NUMBER OF DISTRICTS/COOPS
	F. Confidentiality - A public document regarding private and confidential data collected by the district has been prepared, maintained up to date and includes all required information.	50
	- A record of access to educational records is maintained.	39
	- Written consent for the release of private data is obtained.	38
	G. Identification and Assessment of Children with Learning Disabilities - Procedures to determine a child has a severe discrepancy between achievements and intellectual ability in all required areas have been developed and implemented.	92
	- A student observation by someone other than the regular class teacher is conducted.	62
	- A written report of the results of the evaluation includes all required information.	79
	- Team members certify that the report reflects their conclusions.	55
III. Services	All special education teachers hold appropriate licensure.	37

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Administration Needs

The average age of special education directors is increasing in Minnesota. This is occuring during a time of profound change in special education services due to economic constraints, declining enrollments, technological advances, court decisions, state and federal rule amendments and other unforseen changes. SEA and LEA special and regular education administrators have a high need for inservice in order to lead or prepare the way for these changes and at the same time insure appropriate educational services for handicapped students.

Related Services

Recent economic concerns have caused a need to more clearly define special education reimbursable activities for related services (e.g. social workers, psychologists, occupational therapists, physical therapists, interpreters, etc.). While the actual number of staff is projected to decline, there is a statewide need to provide inservice on the clarified role of each type of related service staff in special education.

In rural areas there continues to be a need for increased related services. There continues to be a lack of qualified persons and a fairly high turnover rate; and therefore, there continues to be a need for preservice/inservice to ensure at least minimally qualified staff.

R-CSPD Committee Needs Assessments

The R-CSPD committees in each of the ten regions of the state conduct regional inservice needs assessments each year (funded through the State Title VI-D grant and the Discretionary Plan). Following is a summary list of the needs and program objectives identified for 1982-83.

1. Improvement of interpreter and teaching skills for staff who work with hearing impaired students.

2. Measurement of student academic and social behaviors in the classroom.

3. Development of vocational programs for handicapped students.

4. Development of alternative instructional delivery systems.

5. Interactions between parents and teachers of handicapped children.

6. Use of observation techniques as assessment devices.

7. Identification of early childhood handicapped students.

8. Increased regular student awareness of handicapped students' needs.

9. Training of mainstream teachers to adapt to needs of handicapped students.

10. Designing classrooms for more effective individualization of instruction.

The following tables identify the disability areas in priority order where there is a need for preservice and inservice training for 1984-86 in the state of Minnesota. The major preservice program objective is to increase the number of fully licensed teachers in each of the priority areas. The major inservice program objective is to increase the instructional skill level of the target population in each of the priority areas.

TABLE IX-6
IMPLEMENTATION PLAN FOR MEETING PRIORITY PRESERVICE NEEDS
BY DISABILITY AREA FOR 1984-86 IN MINNESOTA

	Target Population	Trainers	Time Frame
Preservice			
1. Early Childhood Handicapped	Provisionally licensed EC:SE teachers	IHE professors	by 1985
2. Low Incidence Areas hearing impaired visually impaired physically handicapped	Minimally licensed or unlicensed teachers on variance	(UM) IHE professors	ongoing
3. Emotionally/ Behaviorally disordered	Minimally licensed or unlicensed teachers on variances and students	IHE professors	ongoing
4. Severely/Profoundly handicapped - all handicapping conditions	Minimally licensed or unlicensed teachers on variances and students	IHE professors	ongoing
5. Developmental Adaptive Physical Education	Students, physical education teachers	IHE professors	by 1985
6. Handicapped Students in the regular education program	Students majoring in regular elementary and secondary education	IHE professors	ongoing

TABLE IX-7
IMPLEMENTATION PLAN FOR MEETING THE PRIORITY INSERVICE NEEDS
BY DISABILITY AREA FOR 1984-86 IN MINNESOTA

	Target Population	Trainers	Time Frame
Inservice			
1. Early Childhood Handicapped	Provisionally licensed EC:SE teachers	Consultants IHE professors	ongoing
2. Emotionally/ Behaviorally disordered	Provisionally or unlicensed teachers on variance	Consultants IHE professors	ongoing
3. Educable Mentally retarded	Provisionally or unlicensed teachers on variance	Consultants IHE professors	ongoing
4. Learning Disabilities	Provisionally or unlicensed teachers on variance	Consultants IHE professors	ongoing
5. Administration of Special Education	Special education directors	Consultants IHE professors	ongoing
6. Severely/Profoundly Handicapped	Provisionally or unlicensed teachers on variance	Consultants IHE professors	ongoing
7. Low Incidence Areas HI, VI, PH	Provisionally or unlicensed teachers on variance	Consultants IHE professors	ongoing
8. Developmental Adaptive Physical Education	Physical education teachers	Consultants IHE professors	ongoing
9. Surrogate Parents	Interested district persons	SEA staff	ongoing
10. Handicapped Students in the regular education system	Teachers and Principals in regular education	Consultants IHE professors	ongoing
11. Non-discriminatory testing	Bilingual and Special Education Personnel	SEA bilingual	ongoing

The content priorities and target program objectives for each disability area (besides the need for increased numbers of fully licensed personnel) are those cited in Table IX-5 on compliance criteria and the R-CSPD committees needs assessments as complied by the SEA CSPD consultant. The resources for providing the preservice and inservice needs are available through Title VI-D Personnel Development Grant and P.L. 94-142 discretionary and flow-through monies.

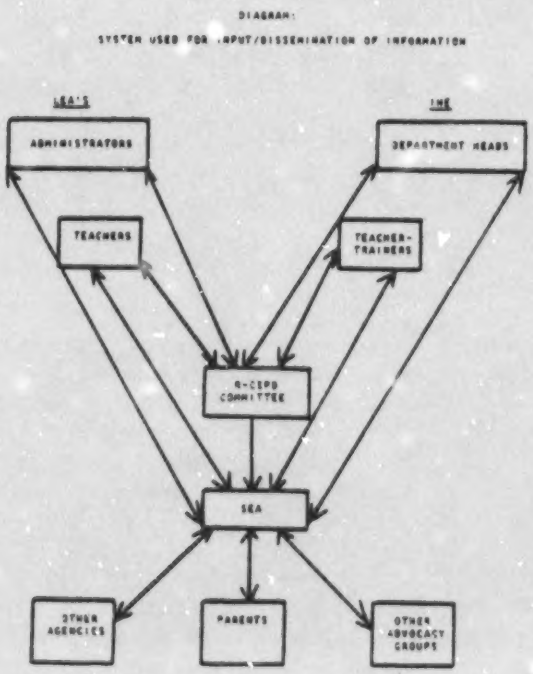
INPUT/DISSEMINATION

The following diagram, Chart IX-D, shows the system used to receive and/or provide more formal input and/or dissemination of information as it relates to promising practices, research, concerned issues and/or priorities. The flow of input and the dissemination of information is an ongoing process. The SEA acts as the "hub" initiating, interpreting and implementing the policies, procedures and practices of this system. The Regional Comprehensive System of Personnel Development (R-CSPD) committees are the coordinators of the regional activities which address the unique and individual needs within their region.

The IHE provide the pre-service training (and some in-service training) and research needed to meet the current and future training needs of LEA administrators, teachers, related service staff, SEA staff, parents, and other agencies. The LEA's are the primary consumers of the system's product and benefit most by becoming aware, through this systematic network of sharing, of the updated research and development as it relates to primary concerns, issues and priorities.

Chart IX-D

MINNESOTA'S CSPD INPUT AND/OR DISSEMINATION
OF INFORMATION NETWORK



Promising Practices

Dissemination is seen as an integral part of the Comprehensive System of Personnel Development. It is necessary to identify, validate and disseminate innovative and promising education practices, program and materials information at state, regional and local levels. Promising practices are identified and validated through the Upper Midwest Regional Resource Center and the Department's of Special Education Minitoring and Compliance Office. The Education Resources Information Center (ERIC) and SOURCE (computer network information) are available through the Department Library to submit to or identify new or promising practices.

Demonstration, research and other projects

Twenty-30 local school districts have developed demonstration/ innovative/research projects in computer software for special education management and instruction through CQE (Council on Quality Education - innovative projects funded with state monies), Title IV-C demonstration projects, and MECC (Minnesota Education Computer Consortium) projects. These projects have provided and will continue to provide numerous regional and LEA inservice sessions state-wide. These state human, material and fiscal sources for project development will continue to be available for computer software development and other types of special education instruction and management research and demonstration projects. The validation process (through review committees) of these sources also provide for assessment and reassessment of the educational practices used in the state.

Special Ed Line

The Special Education Section compiles and disseminates a newsletter called Special Ed Line to all Directors of Special Education and Parent Advocacy Groups every other month. Inservice announcements, policy interpretations, innovative and promising education practices, new practices and research information are, and will continue to be, included in the newsletter. As special net is expanded, the newsletter will be disseminated to every local district and regional office and some IHEs via the electronic mail.

Special Net

The Special Education Section has initiated a micro computer information system (special net) in each ECSU regional office. Various school districts and Institutions of Higher Education have chosen on their own to participate in this information network. While national and state information/practices are being shared via this system, the potential for expansion is great in the future. Strategies are being discussed to expand this system to every district in the state. Included on special net are bulletin boards for CSPD training and

materials, practices (emerging and promising), disability areas (deafness, vision, multi-handicapped). Efforts will be made to expand these bulletin boards to include instructional programming and other personnel development needs. One staff person has been assigned to keep Department administration and staff and local directors of special education informed of recent policy interpretations and emerging or promising special educatonal practices. As Special Net becomes available in every district in the state, the national and state practices will be disseminated electronically state-wide.

Technical Assistance

The full-time SEA CSPD consultant provides technical assistance directly to the R-CSPD committees and both directly and indirectly to the LEAs. The SEA consultant assists the R-CSPD in developing needs assessment instruments, conducting regional needs assessments, and developing and implementing regional inservice plans. She/he ensures the dissemination of information, promising practices, innovative programs, instructional materials, instructional programming and media through the R-CSPD committees to the local district administrators, general educators, special education instructonal personnel, support personnel, and interested agencies and organizations.

Human and Material Resources

State human and material resources are provided through the SEA CSPD consultant, P.L. 94-142 discretionary monies, Title VI-D monies for the development of R-CSPD committees, CQE (Council on Quality Education) Title IV-C demonstration and dissemination projects, MECC (Minnesota Education Computer Consortium) and Special Net.

Regional human and material resources are provided through the SEA and the resources listed above. The ECSU (Education Cooperative Service Unit) and the R-CSPD committees in every region of the state serves as the coordinating agents for these CSPD resources in each region.

Local human and material resources are provided through the ECSU (and R-CSPD committees) in every region of the state and the SEA. Local resources are also provided through P.L. 94-142 an preschool incentive flow-through monies. Some of the larger districts in the state use these monies to hire a local CSPD coordinator to coordinate these resources.

CHAPTER X PARTICIPATION OF STUDENTS ENROLLED IN PRIVATE SCHOOLS

5 MCAR s 1.0120 defines Minnesota's policy on the provision of full services. The policy states that all children and youth who are handicapped and who are eligible for special education services must have access to a free appropriate public education suited to each child's individual needs including special education appropriate to his or her development. The policy clearly states that the responsibility of the school district is not diminished by the availability of non-public schools or other services which may be located within the district. 5 MCAR s 1.0120 requires that all children who are handicapped must be afforded special education services based on an individual educational plan. In Minnesota the LEA is responsible for providing a free appropriate public education to all handicapped children living in the district, includng those attending private schools. This responsibility is not in any manner dependent on the availability of state or federal funds. Minnesota has a singular standard of service for all handicapped students - a free appropriate public education.

On the annual application for P.L. 94-142 program funds, each LEA signs a set of assurances addressing the participation of students enrolled in private schools. The LEA assures that the requirements in 45CFR 76.651-663 of EDGAR are met. The assurances state that the LEA:

- Provides students enrolled in private schools with a genuine opportunity for equitable participation.
- Provides an opportunity to participate in a manner that is consistent with the number of eligible private school students and their needs.
- Must keep title to and maintain continuing administrative direction and control over funds and property that benefit students enrolled in private schools.
- Determines the needs of, numbers of, and benefits to private school handicapped students on a basis comparable to that used for public school handicapped students.

- Provides for students enrolled in private schools program benefits that are comparable, in quality, scope, funding and opportunity to participate, to those provided for public school students with the same needs and who are in that group, attendance area, age or grade level: If the needs are different, the program benefits and funds expenditure must be different.

- Does not use funds for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and include public and nonpublic students.

- Does not use funds to finance the existing level of instruction in a private school or to otherwise benefit the private school.

- Does not use funds to meet the needs of the private school.

- Does not use funds to meet the general needs of students enrolled in a private school.

- Places equipment and supplies in a private school only for the period of time needed for the project; uses such equipment and supplies for the purposes of the project; and removes equipment and supplies without remodeling the private school facilities when they are no longer needed for the purposes of the project or to avoid use for other purposes.

- Does not use program funds for construction of private school facilities.

The LEA annual application includes the following information:

- A description of how the applicant LEA will meet the federal requirements for participation of students enrolled in private schools.

- The number of students enrolled in private schools who have been identified as eligible to receive benefits under the program, and the number who will receive benefits.

- The basis the applicant used to select the students.

- The places and times that the students will receive benefits under the program.

* The differences, if any, between the program benefits the applicant will provide to public and private school students, and the reasons for the differences.

State policy stipulates that the LEA may use these monies to provide the same special education services as for handicapped children attending a public school if the services are not normally provided by the private school. Screening, testing, assessment, diagnostic services, team planning and periodic review conferences may be conducted, and materials and equipment may be provided, on the premises of the non-public school while direct instructional services/personnel paid for by the LEA may be provided on the non-public non-sectarian or public school premises or at a neutral site. Neutral site is defined in Minn. Stat. s 123.932 subdivision 9 as follows:

> "Neutral site" means a public center, a mobile unit located off the non-public school premises, or any other location off the premises which is neither physically nor educationally identified with the functions of the non-public school.

The LEA may also use these monies to pay for the services of an employee of a non-public school if the employee performs the services outside of his/her regular hours of duty and under the public school's supervision and control.

Each LEA consults with appropriate representatives of students enrolled in private schools during all phases of development and design of the P.L. 94-142 project covered by the annual application. This consultation must take place before LEA makes any decision that affects the opportunities of private school students to participate in the program so that the appropriate representatives have a genuine opportunity to express their views. The application form requires each LEA to describe the manner and extent to which their consultation included consideration of:

* Which children will receive benefits under the project.
* How the children's needs will be identified.
* What benefits will be provided.
* How the benefits will be provided.
* How the project will be evaluated.

If the State of Minnesota carries out a project directly, it will comply with the requirements of EDGAR and P.L. 94-142 as if it were a subgrantee.

CHAPTER XI PLACEMENT IN PRIVATE SCHOOLS

LEA responsibility to provide a free appropriate education for all handicapped children is defined in Minn. Stat. s 120.17 subd. 1, which stipulates that every district must provide special instruction and services, either within the district or in another district, for handicapped children of school age who are residents of the district.

Each LEA must assure the SEA that a free appropriate public education is available to all handicapped children who are residents of their district. Each LEA must also assure the SEA that when handicapped children are placed by the LEA in private facilities, they are provided special education and related services which meet SEA standards in conformance with an IEP, and at no cost to the parents. These assurances are part of the annual application for special education funds. The SEA assures that whenever a handicapped child is placed in a private school or facility by a public agency, that child has all the rights he/she would have if educated in a public school.

When a parent and LEA disagree on the appropriateness of programs available in the public schools, and the parent seeks to have the handicapped child placed in a private school, the disagreement is resolved through the conciliation conference and due process hearing procedures described in 5 MCAR ss 1.0128 and 1.0129. If a handicapped child has a free appropriate public education available and the parents choose to place the child in a private facility, the LEA is not required to pay for the child's education at the private school.

Private schools receive the same information on statutes, rules and policies as LEAs. Private schools also have the opportunity to participate in the development and revision of special education policies and rules. A representative from the private school sector is one of the fifteen Special Education Advisory Council members.

CHAPTER XII RECOVERY OF FUNDS FOR MISCLASSIFIED CHILDREN

Minn. Stat. s 4.07 describes the role of the governor and state agencies in accepting federal funds. Minn. Stat. s 4.07 subd. 2 allows the governor to designate a state agency to act for him in applying for, receiving and accepting federal funds. Minn. Stat. s 4.07 subd. 3 states, "The governor in any state department or agency designated by him shall comply with any and all requirements of federal law and any rules promulgated thereunder to enable the application for, receipt of, and acceptance of such funds. The expenditure of such funds received shall be governed by the laws of the state except insofar as federal requirements may otherwise provide."

The commissioner is authorized to adjust the amount of aid according to the procedures defined in Minn. Stat. s 124.14 subd. 2, when it is determined that the amount of aid distributed to the school district is in error. This subdivision provides that: "If the commissioner determines that the amount of aid is in excess of the school districts entitlement, he is authorized to recover the amount of the excess by any appropriate means, including the reduction of future aid payments to the school district ... . If the commissioner determines that the amount of an aid paid is less than the school district's entitlement, he is authorized to increase such aid from the current appropriation." According to Minn. Stat. s 124.14 subd. 4, reduction of aid under this section may be appealed to the State Board of Education and the Board's decision is final.

Programs and services available in a district are reported in the Child Study section of the district's Total Special Education System Plan. The annual LEA application forms include assurances that the LEA is in compliance with all federal and state special education statutes and rules. The application also includes the number and percent of students currently being served in each age group by disability and the number and cost of personnel to provide services. Instructions and forms used to gather data for the December 1, unduplicated child count include specific procedures on how to accurately arrive at these figures.

The SEA monitoring team has procedures in place to verify the district's accuracy in classifying and counting handicapped students. On-site comparisions are made among: a) the most recent child count submitted to the SEA; b) copies of class lists used to establish child count for the last two years; c) copies of the current class register or lists of handicapped students reported as part of the most recent child count; d) student records to determine if IEPs are on file and the child is classified accurately; and e) interviews with staff and

parents to verify provision of services. When it has been determined that an LEA has misclassified handicapped children on their unduplicated child count, the aid to which a district is entitled is adjusted according to the procedures described above.

CHAPTER XIII HEARING ON LEA APPLICATIONS

Minn. Stat. s 15.0418, subd. 1 states that an agency shall initiate a contested case proceeding when one is required by law. Unless otherwise provided by law, an agency shall decide a contested case only in accordance with the contested case procedures of the administrative procedure act. Minn. Stat. 15.0411, subd. 4 defines a contested case as a "proceeding before an agency in which the legal rights, duties or privileges of specific parties are required by law or constitutional right to be determined after an agency hearing."

A disagreement between an LEA and the SEA regarding the approval or disapproval of an application is treated as a contested case and the SEA provides the applicant with notice and an opportunity for an agency hearing before it disapproves the application as delineated in EDGAR s 76.401. The applicant must request the hearing within thirty days of the SEA action. The hearing must be held within thirty days after receipt of the request. The written decision must be issued, including findings of fact and reasons for the ruling, no later than ten days after the hearing. If the agency determines that its action was contrary to statute or law the action will be rescinded. If the SEA does not rescind its action, the applicant may appeal to the Federal Commissioner of Education within twenty days after notification of the agencies review. If supported by substantial evidence, findings of fact of the SEA are final. The Commissioner may issue interim orders to the SEA. If the Commissioner decides the SEA's actions are contrary to Federal or State Law or Rules, an order is issued requiring the SEA to take appropriate action. The SEA will make available to the applicant, records pertaining to the applicant's hearing.

CHAPTER XIV ANNUAL EVALUATION

The procedures used by the SEA to meet the annual evaluation requirements of EDGAR 76.101(e)(4) are described in the Monitoring Procedures section of Chapter XV. In addition to the procedures described in Chapter XV; however, the SEA continues to evaluate the effectiveness of the total special education program in the state on an annual basis and compile annual reports from LEAs and parents on the numbers, types and outcomes of conciliation conferences and hearings.

CHAPTER XV A. ADDITIONAL REQUIREMENTS

Responsibility of SEA For All Educational Programs

The SEA is responsible for all educational programs for handicapped students in Minnesota regardless of whether the program is provided by a public education agency, another public agency or a private agency serving students placed by a public agency. Each of the aforementioned agencies providing special education and related services must meet all federal requirements and state standards and are under the general supervision of persons responsible for these education programs in the SEA. Previously referenced statutes, rules and agreements to demonstrate compliance with this requirement are included in the packet of supporting documentation submitted to the Education Department with this plan.

CHAPTER XV B. ADDITIONAL REQUIREMENTS

Monitoring Procedures
Adoption Of Complaint Procedures

Minn. Stat. s 124.32 subd. 7 delegates to the Commissioner of Education the responsibility for program approval including the determination of compliance with the rules and standards of the State Board of Education. Minn. Stat. s 124.32 subd. 7 requires that "... Before May 1 of each year, each district providing special instruction and services to handicapped children shall submit, to the commissioner, an application for approval of these programs and their budgets for the next school year. The application shall include an enumeration of the costs proposed as eligible for state aid pursuant to this section and of the estimated number and grade level of handicapped children in the district who will receive special instruction and services during the next school year. The application shall also include any other information deemed necessary by the commissioner for the calculation of state aid and for the evaluation of the necessity of the program, the necessity of the personnel to be employed in the program, the amount which the program will receive from grants from federal funds, or special grants from other state sources, and the program's compliance with the rules and standards of the state board. The commissioner shall review each application in order to determine whether the program and the personnel to be employed in the program are actually necessary and essential to meet the district's obligation to provide special instruction and services to handicapped children pursuant to section 120.17. The commissioner shall not approve aid pursuant to this section for any program or for the salary of any personnel he determines to be unnecessary or unessential on the basis of this review. The commissioner may also withhold all or any portion of the aid for programs which receive grants from federal funds, or special grants from other state sources. On or before July 1 of each year, the commissioner shall approve, disapprove or modify each application, and notify each applying district of his action and of the estimated amount of aid for the programs. The commissioner shall provide procedures for districts to submit additional applications for program and budget approval during the school year, for programs needed to meet any substantial changes in the needs of handicapped children in the district. Notwithstanding the provisions of section 124.15, the commissioner may modify or withdraw his program or aid approval and withhold aid pursuant to this

section without proceeding according to section 124.15 at any time when he determines that the program does not comply with the rules and standards of the state board or that any facts concerning the program or its budget differ from the facts presented in the district's approved application."

In addition, 5 MCAR s 1.0121 requires each district to submit to the commissioner the district's plan for providing special instruction and services for all handicapped pupils. 5 MCAR s 1.0121 A. stipulates that the plan must include descriptions of: a) the district's study procedures for the identification and assessment of handicapped pupils; b) the district's methods of providing the special instruction for the identified handicapped pupils; c) the district's administration and management plan to assure effective and efficient results of 1 and 2 above; and d) procedures to assure compliance with state statutes and rules relating to the education of handicapped pupils."

The SEA develops procedures, issues, rules and takes other necessary actions to properly administer each LEA program and to avoid illegal, imprudent, wasteful or extravagant use of funds by either the SEA or any LEA subgrantee. The SEA provides technical assistance to prospective applicants on the development of project applications, including determination of project objectives, specification of the budget and design of appropriate evaluation procedures.

The SEA monitors public agencies to assure compliance and determine program effectiveness in meeting both state and federal requirements in the following major areas:

Full Educational Opportunity Goal
Free Appropriate Public Education
Priorities In The Use Of Part B Funds
Individual Education Plan
Direct Service By The SEA
Comprehensive System Of Personnel Development
Services To Children Placed In Private Facilities
Participation Of Private School Children
Due Process Procedures
Protection In Evaluation Procedures
Least Restrictive Environment
Confidentiality
Child Identification

The monitoring system includes four components: (1) Compliance Monitoring; (2) Follow-up Review Monitoring; (3) Fiscal Monitoring; and (4) Complaint Management System. A more detailed description of each of the above is included in the supporting documentation. Please refer to the document entitled, "Monitoring and Compliance Systems".

(1) Compliance Monitoring:

A. Annual Application Review. Each year, all school districts submit a special education application for state and federal aid. These applications contain the following, which are reviewed for compliance: Statement of Assurance that the district is in compliance with all applicable laws and rules; detailed specifications of the use of funds; licensure of staff; class size; and, personnel development.

B. System Review. Every three years, all school districts/cooperatives will be required to submit to the SEA, their written procedures for identifying, assessing, programming and administering services for children and youth with handicaps.

C. On-site Review. A minimum of once every six years, every district will be the recipient of an on-site compliance review. The review is a one day to two week visit, depending on the size of the district. Prior to the visit, the LEA is requested to organize specific documentation for each compliance criterion to be reviewed. SEA staff inspect the documentation, conduct on-site validation and review randomly selected student records. Observation of special education classrooms and other instructional spaces are also included in the procedures. Interviews with administrators, teachers and parents are conducted to verify any noncompliance issues. The Compliance Review Manual has been distributed to each district with a memorandum from the Commissioner of Education encouraging LEAs to complete a self evaluation prior to the initiation of monitoring activities by the SEA.

The monitoring report identifies all noncompliance areas including the evidence for noncompliance and includes a description of the remediation required. A preliminary copy of the findings is sent to the LEA for review with an opportunity for discussion to clarify findings or submit further evidence of compliance. The Manager of the Office of Monitoring sends formal written notification of the outcomes of the entire compliance review process to the chairperson of the school board, the superintendent and the administrator of special education. At this time, the report becomes a public document. A written response, or "action plan", from the school district is due within forty-five calendar days of the receipt of this report.

The Office of Monitoring is also responsible for conducting Annual Application Reviews, System Reviews, and On-site Compliance Reviews for Title I (P.L. 89-313 and P.L. 89-750) programs in state supported schools. The Title I, P.L. 89-313 programs are monitored according to the schedule specified in the P.L. 89-313 State Plan. Title I, P.L. 89-750 programs serving handicapped children are monitored once every three years. The procedures used for these reviews are identical to those described for LEAs. P.L. 89-313 programs are reviewed according to the 140 criteria statements included in the Compliance Review Manual: ESEA Title I, P.L. 89-313. A copy of the current manual is included in the packet of supporting documentation accompanying this plan. P.L. 89-750 programs serving handicapped children are reviewed using the 153 criteria included in the Compliance Review Manual: Minnesota Rules Chapter Seven And P.L. 94-142. The procedures for developing the monitoring report subsequent to an on-site program compliance review are identical to those described for the LEA monitoring report.

(2) Follow-up Review:

This type of review occurs on an unscheduled basis and consists of a review of the "Corrective Action Plan" (CAP) implementation of the previous on-site or system review. Districts with significant numbers of compliance citations or districts with substantive program citations will be the recipients of Follow-up Reviews. The reporting procedure to the district will be the same as specified above under "Compliance Monitoring: On-site Review",

(3) Fiscal Monitoring:

This type of review occurs on an unscheduled basis and is a review of the preceeding year fiscal information. The information reviewed includes personnel salary, contracts for service, professional development, travel, materials/supplies/equipment and remodeling. Discrepancies will result in a repayment of funds. The reporting procedure to the district will be the same as specified above under "Compliance Monitoring: On-site Review".

The complaint review system is managed by the Office of Monitoring in the Division of Instruction. The assistant commissioner in charge of the Division is officially designated as the complaint officer to investigate complaints of individuals or groups on alleged violations of state and federal regulations. All oral or written complaints received by the SEA are referred to the Division of Instruction. Based on the review of the complaint, the complaint officer or designee will inform the complainant by letter or telephone, as appropriate, the results of the review. Two courses of action may occur at this point. The complaint will be accepted for SEA intervention if the following criteria are met: (1) The complaint is written; (2) The complaint includes sufficient information to indicate there is a possible violation of statute or rule; (3) The complaint includes evidence that the LEA has been informed of the complaint and reasonable timelines for corrections have been allotted; and (4) Resolution of the complaint is not appropriate to the local conciliation and due process hearing procedures.

If the complaint does not meet the criteria as outlined above, the complainant will be advised of the requirement necessary for state intervention. The complaint officer or designee will provide technical assistance on appropriate procedures to be followed in communicating the complaint to the local school district or to the state agency and will provide information on where further assistance may be available at no cost.

Upon acceptance of a complaint, the complaint officer will inform the complainant in writing and order an investigation of the complaint by an SEA staff member. The investigation must include communications with the LEA officials, complainants and, if necessary, on-site visits to the LEA for purpose of validating the allegations. The investigator(s) then prepare a written report of the findings for the complaint officer.

The complaint officer must issue a decision based upon the report of the findings of the investigation and communicate the preliminary decision and the reasons for the decision in writing to both parties of the dispute within sixty calendar days of receipt of the written complaint. The decision is issued after all parties to the complaint have had the opportunity to verify the accuracy of the findings and provide comment.

If the complaint is upheld by the complaint officer and the LEA is determined to be in violation of a state statute or rule, the district is directed to comply and is afforded a reasonable timeline for correction. If the district fails to take the needed corrective action, the complaint officer must report the violation to the State Commissioner of Education. The commissioner is required, under Minn. Stat. 124.15, to enforce LEA compliance consistent with procedures set out in state statute and rules and to withhold state funds if the LEA fails

to comply. The commissioner must notify the district of the violation and request evidence of correction and compliance of the LEA. If the LEA fails to comply, the commissioner must use the procedures set out in Minn. Stat. s 124.15 or 300a.194 to withhold the payment of federal funds to the district.

When the complaint is against either the State School for the Deaf or the Braille and Sight-Saving School, the complaint process, as specified above, is followed. If the initiator of the complaint following the assistant commissioner's decision, believes the complaint remains unresolved, a request may be made to the Commissioner of Education for review. If after the commissioner reviews the case, and it is determined that there exists a violation of a regulation, direct corrective action must be taken consistent with the commissioner's authority and a corrective timeline be established.

A summary of the number, type and resolutions of complaints accepted for state department intervention will be periodically reported to the Special Education Advisory Committee and at the close of each fiscal year.

CHAPTER XV C. ADDITIONAL REQUIREMENTS

Policies And Procedures
For The Use Of Part B Funds

Minnesota implements the following policies and procedures to insure that P.L. 94-142 Part B funds are spent in accordance with the specifications of the Act. Up to, but not more than, 5% of the state's total grant will be spent on administration costs related to carrying out the provisions of P.L. 94-142. Not less than 75% of the total grant will be flowed through to local education agencies for use in accordance with the Act. The rest of the grant will be considered as state discretionary funds to provide support and direct services in a manner consistent with the goal of providing full educational opportunities for all handicapped children in Minnesota.

The amount expended on direct and support service discretionary programs is not more than the amount of state and local dollars spent in each major program area.

With the exception of state administration and discretionary dollars, federal funds are not commingled with state funds and are used only as a supplement to increase the level of state and federal funds expended for the education of handicapped children and in no case to supplant such state and local funds.

The LEA allocation is an amount consistent with the number of pupils on the LEA's child count and the dollar entitlement per child. The per child entitlement is determined by dividing the total flow-through dollars (not less than 75% of the grant) by the Minnesota child count figure for the previous year.

All local education agencies in Minnesota assure, as part of their annual application for state and federal funds, that all state and federal funds received by the agency will be used for the purpose of providing special education instruction and related services for handicapped children consistent with state and federal statutes, rules and regulations governing the use of such funds. The SEA monitoring team compares local education agency budgets with the approved application for aids and program implementation. Discrepancies are subject to further review by the commissioner, as described in Chapter XV B., SEA Monitoring Procedures.

CHAPTER XV D. ADDITIONAL REQUIREMENTS

Direct Service by the SEA

The 1976 Minnesota State Legislature enacted Minn. Stat. Chap. 128A. transferring the control, management and administration of the Minnesota School for the Deaf and the Minnesota Braille and Sight Saving School, defined in the rules as the state residential schools, from the Department of Public Welfare to the jurisdiction of the State Board of Education. This transfer of authority was intended to ensure that the two state residential schools, which provide a level six special education placement option for hearing impaired and visually handicapped students, were integrated with the special education services provided by school districts throughout Minnesota and that the same procedures and procedural safeguards are applied to the students in attendance at the schools that are applied to all handicapped students in Minnesota.

The Minnesota SEA provides direct services to handicapped students enrolled at MSD and MBSSS. These are the only direct services provided to handicapped students by the SEA. Enrollment figures appear in the last paragraph of this section.

In 1980, the State Board of Education adopted rules governing the requirements and evaluation during attendance at, and transfer from the State Residential Schools for deaf, blind and multiply handicapped sensory impaired students. A complete copy of the rules (5 MCAR ss 1.0133 - 1.0138) is included in the packet of supporting documentation submitted to the Education Department with this plan. The rules address the following major sections:

5 MCAR s 1.0133 Definitions
5 MCAR s 1.0134 Admission Procedures
5 MCAR s 1.0135 Periodic Review, Reassessment and Transfer Procedures

5 MCAR s 1.0136 Formal Notice To Parents
5 MCAR s 1.0137 Conciliation Conference
5 MCAR s 1.0138 The Hearing

The state works with the Parent Advisory Councils for the state residential schools to develop procedures to meet the full educational opportunity goal.

The rules are in many instances, the same as or similar to the Rules of the State Board of Education Governing Standards and Procedures of Special Education Instruction and Services for Children and Youth Who are Handicapped (5 MCAR ss 1.0120 - 1.0129). They have been written to accommodate the basic differences in the organizational and authority structure that exist between a local school district and these state residential schools that are operated as an activity within the SEA. The rules have been developed to guarantee parents and students their rights and to ensure that consistent procedures are applied to all handicapped students in Minnesota so that appropriate due process is afforded to the students in attendance at the state residential schools and their parents.

Both residential schools are located in Faribault, in close proximity to each other. During FY 1983, the School for the Deaf served approximately 200 students; the Braille School served approximately 50 students. The Faribault LEA works cooperatively with the residential schools to assure that whenever appropriate students in the residential programs are integrated into regular education classes. The SEA does not support programs in the state residential schools with Title VI, Part B funds.

CHAPTER XV E. ADDITIONAL REQUIREMENTS

Implementation Procedures - SEA

Minnesota statutes, rules and regulations relating to procedural safeguards are outlined in Chapter VI of this document.

The procedures used by the SEA to inform each public agency of its responsibility for insuring effective implementation of procedural safeguards for the handicapped children served by that agency include: a) providing technical assistance upon request and following monitoring on-site visits; b) disseminating monitoring manuals and rules to each agency; c) providing training through special study institutes, workshops and inservice sessions for school board members, superintendents and principals, directors of special education, teachers, parents and parent advocates; d) disseminating information in various mediums to parents, educators and professionals in related fields; e) evaluating each local education agency's Total Special Education System (T.S.E.S.) document and accompanying school district forms to verify that procedural safeguards are in place; and f) monitoring agencies, reporting any areas of non-compliance and negotiating a corrective action plan to bring the agency into compliance with all regulations relating to procedural safeguards.

CHAPTER XVI CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION

The SEA assures that procedures are implemented by LEAs, the Department of Corrections and the Department of Public Welfare to provide parents with annual notice, including notice in the primary language if other than English, of the requirements related to the identification, location and evaluation of handicapped children, of the parents rights related to the Confidentiality of Personally Identifiable Information as outlined in P.L. 94-142, EDGAR Part 99 and state regulations, of the agency's confidentiality policies and the location where copies of the policy may be obtained. The Interagency agreements with the Departmets of Corrections and Public Welfare specifically stipulate that they will provide for the procedural safeguards of the EHA Act, including confidentiality of personally identifiable information of the handicapped youth consistent with state and federal standards.

The public document referenced in the aforementioned notice must include a description of children on whom personally identifiable information is obtained, the type of information sought, the methods and sources the state uses in gathering the information, and uses made of the information. Notices must also include all of the rights identified in FERPA including a summary of the policies and procedures for the storage, disclosure to third parties, retention and destruction of personally identifiable information.

Each school district must prepare, maintain and update a public document regarding private and confidential data collected by the school district. Minn. Stat. s 15.163 subd. 1 states that the responsible authority must prepare a public document containing the name, title and address, and a description of each category of record, file or process relating to private or confidential data on individuals maintained by the state agency, statewide system, or political subdivision. Forms used to collect private and confidential data must be included in the public document. Beginning August 1, 1977 and annually thereafter, the responsible authority must update the public document and make any changes necessary to maintain the accuracy of the document. The document must be available from the responsible authority to the public in accordance with the provisions of sections 15.1621 and 15.17. Subd. 8 adds that the responsible authority must prepare a public document setting forth in writing the rights of the data subject pursuant to section 15.165 and the specific procedures in effect in the state agency, statewide system or political subdivision for access by the data subject to public or private data on individuals.

General rules relating to the collection and use of data are included in Minn. Stat. s 15.163 subd. 4. Private or confidential data on an individual must not be collected, stored, used or disseminated by political subdivisions, statewide systems or state agencies for any purposes other than those stated to the individual at the time of collection in accordance with section 15.165, except as provided in this subdivision. Data collected prior to August 1, 1975, and which have not been treated as public data, may be used and disseminated for the purposes for which the data was originally collected or for purposes which are specifically approved by the commissioner as necessary to public health, safety, or welfare. Private or confidential data may be used and disseminated to individuals or agencies specifically authorized access to that data by state or federal law subsequent to the collection of the data. Private or confidential data may be used and disseminated to individuals or agencies subsequent to the collection of the data when specifically approved by the commissioner as necessary to carry out a function assigned by law.

It is further stated in Minn. Stat. s 15.163 subd. 4 that private data may be used by and disseminated to any person or agency if the individual subject or subjects of the data have given their informed consent. Whether a data subject has given informed consent must be determined by rules of the commissioner. Informed consent must not be deemed to have been given by an individual subject of the data by the signing of any statement authorizing any person or agency to disclose information about him or her to an insurer or its authorized representative, unless the statement is: (1) in plain language; (2) dated; (3) specific in designating the particular persons or agencies the data subject is authorizing to disclose information about him or her; (4) specific as to the nature of the information he or she is authorizing to be disclosed; (5) specific as to the persons or agencies to whom he or she is authorizing information to be disclosed; (6) specific as to the purpose or purposes for which the information may be used by any of the parties named in clause (5), both at the time of the disclosure and at any time in the future; (7) specific as to its expiration date which should be within a reasonable period of time, not to exceed one year except in the case of authorizations given in connection with applications for life insurance or noncancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

"Individual" is defined in Minn. Stat. s 15.162 subd. 4 as "... a natural person. In the case of a minor, 'individual' includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold data from parents or guardians, or individuals acting as parents or

guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor."

The rights of individuals on whom the data is stored or to be stored are set forth in Minn. Stat. s 15.165 subd. 2-4. An individual asked to supply private or confidential data concerning himself must be informed of: a) the purpose and intended use of the requested data within the collecting state agency, political subdivision or statewide system; b) whether he may refuse or is legally required to supply the requested data; c) any known consequence arising from his supplying or refusing to supply private or confidential data; and d) the identity of other persons or entities authorized by state or federal law to receive the data.

Upon request to a responsible authority, an individual must be informed whether he is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon his further request, an individual who is the subject of stored private data on individuals must be shown the data without any charge to him and, if he desires, must be informed of the content and meaning of that data. According to state law, after an individual has been shown the private data and informed of its meaning, the data need not be disclosed to him for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected. The SEA has determined that the federal laws supercede state law in this instance and that individuals may not be denied access to their data based on this state timeline. The SEA assures that all agencies have been notified of this discrepancy and the SEA monitors agencies based on the federal standards. The responsible authority must provide copies of the private data upon request by the individual subject of the data. The cost of providing copies must be borne by the individual.

The responsible authority must comply immediately, if possible, with any request made pursuant to this subdivision, or within five days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible. If he cannot comply with the request within that time, he must so inform the individual, and may have an additional five days within which to comply with the request, excluding Saturdays, Sundays and legal holidays.

An individual may contest the accuracy or completeness of public or private data concerning himself. To exercise this right, an individual must notify in writing the responsible authority describing the nature of the disagreement. The responsible authority must, within 30 days, either: a) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or b) notify the individual that he believes the data to be correct. Data in dispute must be disclosed only if the individual's statement of disagreement is included with the disclosed data.

The determiniation of the responsible authority may be appealed pursuant to the provisions of the administrative procedure act relating to contested cases.

Minnesota Special Education Rule 5 MCAR s 1.0127 outlines the content required in formal notices to parents. Several of these relate to the confidentiality of personally identifiable information. Prior to the performance of or refusal to perform a formal educational assessment or reassessment and prior to the initiation or change or the refusal to initiate or change a child's educational placement or special education services, the providing district must prepare and serve a notice which will: a) inform the parents of their right to receive copies of all records or other written information regarding their child in the school's possession; and b) inform the parents of their right, in accordance with laws relating to confidentiality, to examine and receive copies of child's school records before a hearing.

The following policies relating to confidentiality of information are based on federal and state rules and regulations. They have been distributed to all districts. The Office of Monitoring reviews district policies to determine compliance.

Each LEA must protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages. Parents are permitted to inspect and review any educational records related to their child, which are collected, maintained or used by the agency, without unnecessary delay and before any meeting regarding an IEP or hearing related to the identification, evaluation or placement of the child. The right to inspect and review educational records includes: a) compliance by the district with the request to inspect, review and receive copies of records within five days of the date of the request by a parent, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible. (If the district cannot comply within that time, the parent is informed an additional five days excluding Saturdays, Sundays and legal holidays is permitted); b) the right to a response from the school district to reasonable requests for explanations and interpretations of the records; c) the right to have a representative of the parent inspect and review the records; and d) an assumption by the school district that the parent has the authority to inspect records related to his/her child unless the district has been provided with evidence that there is a state law or court order governing such matters as divorce, separation, or guardianship under which the parent does not have the authority.

A record of parties obtaining access to education records collected or maintained by the school district (except access by parents and authorized employees of the school district) is kept and includes: a) name of the party; b) date access was given; and c) the purpose for which the party is authorized to use the records. If education records include information on more than one child, a procedure has been developed and implemented to insure that parents only inspect, review and be informed of the information related to their child. Parents

are provided, upon request, a list of the types and locations of education records collected, maintained, or used by the school district. The school district may charge a fee for copies of records made for parents at their request as long as the fee does not effectively prevent the parents from reviewing the records, but does not charge a fee to search for or to retrieve information.

The school district amends information in educational records, maintained or used under P.L. 94-142 thought by a parent to be inaccurate, misleading or in violation of other rights of their child, within 30 days of the receipt of the request and attempts to notify past recipients of inaccurate or incomplete data, including recipients named by the parents. If the school district decides to refuse to amend this information in accordance with the request, it informs the parents of its refusal within 30 days and advises the parent of the right to a hearing under 45 CFR 99.21. The agency provides, on request, an opportunity for a hearing in order to challenge the content of a student's education records to insure that the record is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

If, as a result of the hearing, the school district decides the information collected, maintained or used under P.L. 94-142 in a child's educational record is inaccurate, misleading or otherwise in violation of the privacy of other rights of the child, it amends the information accordingly and so informs the parent in writing. If, as a result of the hearing, the school district decides the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it informs the parent of the right to place, in the records it maintains on the child, a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the school district. Any explanations placed in records of a child under this section must: a) be maintained as part of the records of the child as long as the record or contested portion is maintained by the public school; and b) if the records of the child or contested portion is disclosed by the agency to any party, the explanation must also be disclosed to the party. A hearing held under this part must be conducted according to the procedures outlined in P.L. 94-142, the Education for all Handicapped Children Act.

Private or confidential data on an individual must not be collected, stored, used or disseminated by districts for any purpose other than those stated by districts for any purpose other than those stated to the individual at the time of collection, unless the individual has given their informed written consent which is obtained at least annually. In the event that a parent refuses to provide consent under this section records are not released.

Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages. A public document regarding private and confidential data collected by the school district has been prepared and updated to include the following information: a) name, title and address of responsible authority; b) a description of each category of record, file or process related to private or confidential data on individuals maintained by the school district (and Joint Power Cooperative if records maintained); c) copy of forms used to collect private and confidential data; d) list of names and positions of those employees within the school district who may have access to personally identifiable information; and e) the rights of the data subject as specified in Minn. Stat. 15.165 and the specific procedures in effect for access by the data subject to public or private data on individuals. All persons in the school district collecting or using personally identifiable information have received training or instruction regarding the State of Minnesota's policies and procedures.

Parents are informed when personally identifiable information collected, maintained or used under P.L. 94-142 is no longer needed to provide educational services to a child, and is destroyed at the request of the parents. A permanent record of a student's name, address, phone number, grades attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. Minn. Stat. s 15.162, subd. 4 (cited above) states Minnesota's policy and procedures describing the extent to which children are afforded rights of privacy similar to those afforded parents.

In addition to the aforementioned policies on notification of student and parent rights in the area of confidentiality of personally identifiable information, parents must be notified about the requirements related to the identification, location and evaluation of handicapped children. Before any major identification, location or evaluation activity, notice must be published or announced in newspapers or other media, with adequate circulation to notify parents of the activity.

B. REPORT ON HOW PART B FUNDS WILL BE USED

Description of Use of Part B Funds

The Governor of Minnesota is designated to be the agent for federal funds by Minn. Stat. s 4.07 subd. 1. Minn. Stat. s 4.07 subd. 2 and 3 add that the Governor may designate a state agency or agencies to act for him applying for, receiving, and accepting federal funds under the provisions of subdivision 1. Such designation of a state department or agency must be filed in the Office of Secretary of State. The Governor or any state department or agency designated by him must comply with any and all requirements of federal law and any rules and regulations promulgated thereunder to enable the application for, the receipt of, and the acceptance of such federal funds. The expenditure of any such funds received must be governed by the laws of the state except in-so-far as federal requirements may otherwise provide.

The following is a list of SEA administrative personnel to be paid out of Part B funds during FY 1984-86, a description of their major administrative responsibilities and the percentage of their salary paid by Part B funds. All personnel listed will serve in programs of special education for at least the percentage of time listed as being paid with Part B dollars.

TITLE	MAJOR RESPONSIBILITIES	% of PART B
Manager	State Manager of Spec. Ed., State and Federal Programs	50%
Supervisor	Supervisor of Low Incidence Program Development, State Run Facilities and Discretionary Projects	100%
Supervisor	Supervisor of Monitoring, Compliance Reviews and Complaint Procedures	100%
Supervisor	Supervision of Federal Flow-Through Budget and Aid Payments	50%
Supervisor	Supervisor of Planning Technical Assistance and Policy Development	50%

TITLE	MAJOR RESPONSIBILITIES	% of PART B
Specialist	Federal Program Budget	50%
Specialist	Federal Program Budget	50%
Specialist	Federal Program Budget and Child Count	100%
Specialist	Federal Discretionary Project	100%
Specialist	Residential Programs and Federal Projects	100%
Specialist	Federal Discretionary Budgets, Training Budgets and Application Review	100%
Specialist	Community Liaison Indian Handicapped	50%
Specialist	Policy Interpretation, Program Coordination and Communication, State Plan Development	100%
Specialist	Staff Training and CSPD	75%
Specialist	Administrative Review and Complaints	100%
Specialist	Monitoring	100%
Specialist	Monitoring	100%
Specialist	Monitoring	50%
Specialist	Program Evaluation	100%
Specialist	Limited English Proficient/ Special Education	25%
Secretary		100%
Secretary		100%
Secretary		100%
Secretary		100%
Secretary		100%

TITLE	MAJOR RESPONSIBILITIES	% of PART B
Secretary		80%
Secretary		80%
Secretary		50%
Secretary		50%
Secretary		50%
Secretary		50%

The SEA will carry out the following administrative activities and support services with P.L. 94-142 Part B funds.

1. Determine policies related to the administration of P.L. 94-142 flow-through projects, discretionary funds and Early Childhood Incentive Grants.

2. Improve the management capacity of application systems, child count, cost analysis and information dissemination for use of federal funds.

3. Provide information to and receive advice from the Advisory Council.

4. Write State Plans for federal programs for handicapped students.

5. Review applications and award funds for P.L. 94-142 flow-through projects, discretionary projects, Early Childhood Incentive Projects, and related special funding sources for the handicapped.

6. Advise on rules/prepare information as requested by the legislature and input proposed legislation.

7. Advise on licensure review and state college programs.

8. Monitor local programs for compliance.

9. Advise and implement interagency agreements.

10. Coordinate roles and rules with Vocational Education and Title IV-C projects.

11. Report to the State Board of Education.

12. Continue development and implementation of evaluation system.

13. Provide consultation.

14. Provide technical assistance.

15. Explore potential uses of emerging technology for special education instruction and management.

As stated in Chapter XV C., 5% of each year's total grant will be used for administrative activities as described above. At least 75% of each year's grant will be flowed through to local education agencies. In 1982, LEAs spent approximately 88% of their flow-through dollars for personnel salaries. The rest was used for personnel development, tuition costs, supplies and equipment and other miscellaneous expenses. Table II B. 1 shows a breakdown of FY 1982 Flow-through expenditures.

Table II. B. 1

E.H.A. VI-B Flow-Through Expenditure By Type Of Service For Fiscal Year 1982

Service (Type of)	Expenditure	% of Total Expenditure
Personnel, Salaries & Fringe	$13,882,000	88.0%
Personnel Development	324,000	2.1%
Tuition for Pupils	264,000	1.7%
Supplies & Equipment	602,000	3.8%
Other	697,000	4.4%
Total	$15,769,000	100.0%

Table II. B. 2 shows an additional breakdown of the personnel salary costs by disability area. For example, approximately six percent of all personnel hired in programs for the speech impaired, for which aid was claimed, were funded with P.L. 94-142 flow through funds: 93.9% were funded with state and local dollars.

Table II. B. 2

Percent Of Total FTE Personnel Funded That Were Funded With P.L. 94-142 Flow-Thru Funds In Fiscal Year 1982 By Disability Area

Speech Impaired	6.1%
Educable Mentally Retarded	3.7%
Trainable Mentally Retarded	2.7%
Physically Handicapped	17.8%
Hearing Impaired	9.1%
Visually Impaired	12.2%
Learning Disabled	3.6%
Emotionally Disturbed	16.7%
Early Childhood (Noncategorical)	18.5%
Adaptive Physical Education (Noncategorical)	31.5%
Other Supportive or Related Services	
Social Worker Services	10.3%
Psychological Services	15.5%
Other Support Services	5.4%
Total Special Education Staff	8.5%

The difference between the amount of Part B funds used for administration plus that which is flowed through to LEA's and the total grant will be available as state discretionary dollars. The state provides no direct or support services with Part B funds.

Discretionary Programs are noncompetitive grants to meet state established priorities. Discretionary dollars are flowed through to participating administrative units. During FY 1984-86, Discretionary Funds will be used to:

1. Plan, implement and coordinate regional (multi-cooperative) services for students with low incidence handicaps. Services will be provided on a contract basis.

2. Explore new directions in service delivery through extension of mini-grants. Four areas have been determined:
   a. Evaluation System
   b. Use of Technology
   c. Innovative Approaches to Cost Effective Service Delivery
   d. Personnel Training

Discretionary efforts may be expanded in FY 1984-86 to include: (1) development of an on-going data flow system for the evaluation of special education programs; (2) expansion of a computerized telecommunications system; (3) exploring options to enhance program implementation in the area of emotional/behavioral disorders; and (4) exploring the capability of fostering alternative regular education delivery systems to appropriately serve the most mildly handicapped students completely within the mainstream.

During FY 1984-86, the Special Education Advisory Council will provide advise to the State Board of Education and will:

1. Review and comment on SEA policies and procedures related to the administration of P.L. 94-142 projects.

2. Review and comment on emerging state policies, rules and proposed legislation.

3. Assist in the communication with LEAs, parents, state agencies, training institutions, professional groups, and other members of the community.

4. Review and comment on policies for use of discretionary funds and long range low incidence plans.

5. Review and comment on emerging evaluation procedures.

6. Receive reports and comment on hearings and administrative reviews.

7. Review and comment on the State Plan.

8. Review and comment on emerging LEA projects for improving the effectiveness and efficiency of service delivery to mildly handicapped students.

Estimates for FY 1984 indicate that 75 of the 435 single school districts in Minnesota, or 17%, will individually receive an allocation under Part B. An additional 360 school districts will receive allocations under 43 consolidated applications. The average number of LEAs per consolidated application is expected to be 9.

Estimates for FY 1985 indicate that 80 of the 435 single school districts in Minnesota, or 18%, will individually receive an allocation under Part B. An additional 355 school districts will receive allocations under 42 consolidated applications. The average number of LEAs per consolidated application is expected to be 8.

Estimates for FY 1986 indicate that 85 of the 435 single school districts in Minnesota, or 19%, will individually receive an allocation under Part B. An additional 350 school districts will receive allocations under 41 consolidated applications. The average number of LEAs per consolidated application is expected to be 8.